

## HOUSE BILL No. 2715

By Committee on Taxation

2-25

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9 AN ACT concerning insurance; relating to the regulation thereof;  
10 amending K.S.A. 2009 Supp. 40-2,103 and 40-19c09 and repealing the  
11 existing sections.  
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13 *Be it enacted by the Legislature of the State of Kansas:*

14 New Section 1. Any individual or group health insurance policy,  
15 medical service plan, contract, hospital service corporation contract, hos-  
16 pital and medical service corporation contract, fraternal benefit society  
17 or health maintenance organization, municipal group-funded pool and the  
18 state employee health care benefits plan which is delivered, issued for  
19 delivery, amended or renewed on and after July 1, 2010, shall exclude  
20 coverage for illnesses and medical conditions caused substantially and  
21 directly by the use of tobacco products. Coverage for such illnesses and  
22 medical conditions caused by the use of tobacco products may be ob-  
23 tained through an optional rider for which an additional premium is paid.

24 Sec. 2. K.S.A. 2009 Supp. 40-2,103 is hereby amended to read as  
25 follows: 40-2,103. The requirements of K.S.A. 40-2,100, 40-2,101, 40-  
26 2,102, 40-2,104, 40-2,105, 40-2,114, 40-2,160, 40-2,165 through 40-2,170,  
27 inclusive, 40-2250, K.S.A. 2009 Supp. 40-2,105a ~~and~~, 40-2,105b *and sec-*  
28 *tion 1*, and amendments thereto, shall apply to all insurance policies,  
29 subscriber contracts or certificates of insurance delivered, renewed or  
30 issued for delivery within or outside of this state or used within this state  
31 by or for an individual who resides or is employed in this state.

32 Sec. 3. K.S.A. 2009 Supp. 40-19c09 is hereby amended to read as  
33 follows: 40-19c09. (a) Corporations organized under the nonprofit med-  
34 ical and hospital service corporation act shall be subject to the provisions  
35 of the Kansas general corporation code, articles 60 to 74, inclusive, of  
36 chapter 17 of the Kansas Statutes Annotated, applicable to nonprofit cor-  
37 porations, to the provisions of K.S.A. 40-214, 40-215, 40-216, 40-218, 40-  
38 219, 40-222, 40-223, 40-224, 40-225, 40-226, 40-229, 40-230, 40-231, 40-  
39 235, 40-236, 40-237, 40-247, 40-248, 40-249, 40-250, 40-251, 40-252,  
40 40-254, 40-2,100, 40-2,101, 40-2,102, 40-2,103, 40-2,104, 40-2,105, 40-  
41 2,116, 40-2,117, 40-2,153, 40-2,154, 40-2,160, 40-2,161, 40-2,163 through  
42 40-2,170, inclusive, 40-2a01 et seq., 40-2111 to 40-2116, inclusive, 40-  
43 2215 to 40-2220, inclusive, 40-2221a, 40-2221b, 40-2229, 40-2230, 40-

1 2250, 40-2251, 40-2253, 40-2254, 40-2401 to 40-2421, inclusive, and 40-  
2 3301 to 40-3313, inclusive, K.S.A. 2009 Supp. 40-2,105a ~~and~~ 40-2,105b  
3 *and section 1*, and amendments thereto, except as the context otherwise  
4 requires, and shall not be subject to any other provisions of the insurance  
5 code except as expressly provided in this act.

6 (b) No policy, agreement, contract or certificate issued by a corpo-  
7 ration to which this section applies shall contain a provision which ex-  
8 cludes, limits or otherwise restricts coverage because medicaid benefits  
9 as permitted by title XIX of the social security act of 1965 are or may be  
10 available for the same accident or illness.

11 (c) Violation of subsection (b) shall be subject to the penalties pre-  
12 scribed by K.S.A. 40-2407 and 40-2411, and amendments thereto.

13 Sec. 4. K.S.A. 2009 Supp. 40-2,103 and 40-19c09 are hereby  
14 repealed.

15 Sec. 5. This act shall take effect and be in force from and after its  
16 publication in the statute book.