

## 2023 Kansas Statutes

**40-2222b. Healthcare coverage; premium tax, rate, computation, return and payment; exemptions.** (a) (1) Except as provided in subsection (b), as a condition precedent to continuation of the exemption provided by K.S.A. 40-2222, and amendments thereto, each person or entity described in K.S.A. 40-2222, and amendments thereto, shall, no later than May 1 of each year, pay a tax at the rate of 1% per annum upon the annual Kansas gross premium collected during the preceding calendar year. For persons or entities that have a principal office within a metropolitan area that has boundaries in Kansas and associations that have their principal office located within the borders of this state and offer policies to non-residents of Kansas, the tax owed under this section shall be based upon the gross premium collected during the preceding year relating to health benefit plans issued to members that have a principal place of business in Kansas. In the computation of the tax, such persons or entities shall be entitled to deduct any annual Kansas gross premiums returned on account of cancellation or dividends returned to members or expenditures used for the purchase of reinsurance or stop-loss coverage.

(2) Every person or entity subject to taxation under the provisions of this subsection shall pay the tax imposed and make a return under oath to the commissioner of insurance under such rules and regulations and in such form and manner as the commissioner may prescribe.

(b) A person or entity described in K.S.A. 40-2222, and amendments thereto, shall be exempt from subsection (a) if it provides health benefits through a self-funded health plan and is therefore exempt from the jurisdiction of the commissioner pursuant to the employee retirement income security act of 1974, as in effect on July 1, 2022.

**History:** L. 1991, ch. 135, § 3; L. 2014, ch. 44, § 3; L. 2019, ch. 54, § 16; L. 2019, ch. 54, § 17; L. 2022, ch. 10, § 1; July 1.