

**304.17-182 Special enrollment period for pregnancy.**

- (1) As used in this section:
  - (a) "Health benefit plan" has the same meaning as in KRS 304.17A-005, except for purposes of this section, the term includes student health insurance offered by a Kentucky-licensed insurer under written contract with a university or college whose students it proposes to insure; and
  - (b) "Individual Exchange":
    1. Means a governmental agency or nonprofit entity that makes qualified health plans, as defined in 42 U.S.C. sec. 18021, as amended, available to qualified individuals;
    2. Includes an exchange serving the individual market for qualified individuals; and
    3. Does not include a Small Business Health Options Program serving the small group market for qualified employers.
- (2) To the extent permitted by federal law:
  - (a) The following shall provide a special enrollment period to pregnant women who are eligible for coverage:
    1. Any insurer offering a health benefit plan in the individual market, which shall include student health insurance coverage as defined in 45 C.F.R. sec. 147.145, as amended; and
    2. Any individual exchange operating in this state;
  - (b) Except as provided in paragraph (c) of this subsection, the insurer or exchange shall allow a pregnant woman, and any individual who is eligible for coverage because of a relationship to a pregnant woman, to enroll for coverage under the plan or on the exchange at any time during the pregnancy;
  - (c) If the insurer or exchange is required by federal law to limit the enrollment period to a period that is less than the period provided in paragraph (b) of this subsection:
    1. The enrollment period shall not be less than the maximum period of time permitted by federal law; and
    2. The enrollment period shall begin not earlier than the date that the pregnant woman receives confirmation of the pregnancy from a medical professional;
  - (d) The coverage required under this subsection shall begin no later than the first day of the first calendar month in which a medical professional determines that the pregnancy began, except that a pregnant woman may direct coverage to begin on the first day of any month occurring after that date but during the pregnancy; and
  - (e) If a directive under paragraph (d) of this subsection falls outside of the pregnancy period, the coverage required under this subsection shall begin no later than the first day of the last month that occurred during the pregnancy.
- (3) (a) Nothing in this section shall be construed to imply that the insured is not responsible for the payment of premiums for each month during which

coverage is provided.

- (b) For any coverage provided under this section, the original or first premium shall become due and owing not earlier than thirty (30) days after the date of enrollment.

**Effective:** January 1, 2025

**History:** Created 2024 Ky. Acts ch. 207, sec. 4, effective January 1, 2025.

**Legislative Research Commission Note (1/1/2025).** 2024 Ky. Acts ch. 207, sec. 16, provides that the amendments to this statute in that Act shall apply to plans issued or renewed on or after January 1, 2025.