

1 AN ACT relating to cost defrayment under the Affordable Care Act.

2 *Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

3 ➔SECTION 1. A NEW SECTION OF SUBTITLE 17A OF KRS CHAPTER 304
4 IS CREATED TO READ AS FOLLOWS:

5 *(1) Notwithstanding any other provision of this chapter, if the application of any*
6 *requirement of this chapter to a qualified health plan, as defined in 42 U.S.C. sec.*
7 *18021(a)(1), as amended, results, or would result, in a determination that the*
8 *state must make payments to defray the cost of the requirement under 42 U.S.C.*
9 *sec. 18031(d)(3) and 45 C.F.R. sec. 155.170, as amended, then the requirement*
10 *shall not apply to the qualified health plan until the cost defrayal requirement is*
11 *no longer applicable.*

12 *(2) If a qualified health plan, as defined in 42 U.S.C. sec. 18021(a)(1), is exempt*
13 *from any requirement of this chapter under subsection (1) of this section, the*
14 *department shall apply for a waiver under 42 U.S.C. sec. 18052, as amended, or*
15 *any other applicable federal law of all or any cost defrayal requirements within*
16 *ninety (90) days of the later of:*

17 *(a) The effective date of this Act; or*

18 *(b) The effective date of the statute containing the requirement.*