
A BILL FOR AN ACT

RELATING TO THE HAWAII EMPLOYER-UNION HEALTH BENEFITS TRUST FUND
DEFINITION OF "DEPENDENT-BENEFICIARY".

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 SECTION 1. The legislature finds that the Hawaii employer-
2 union health benefits trust fund offers health benefits to the
3 children of state and county employees and retirees. Due to the
4 current construction of chapter 87A, Hawaii Revised Statutes,
5 when an employee is killed in the performance of the employee's
6 duty, the employee passes away when eligible for retirement, or
7 the retiree passes away, the employee's or retiree's surviving
8 spouse's children that are born after the employee's or
9 retiree's death are eligible to participate in benefit plans
10 offered by the fund. However, the legislature finds that a
11 child born or legally adopted after an employee's or retiree's
12 death who is not the natural or adopted child of the deceased
13 employee or retiree should not be eligible to participate in
14 fund benefit plans because the child is not the child of the
15 state or county employee or retiree.



1 The legislature further finds that the definition of
 2 "dependent-beneficiary" should be amended to be consistent with
 3 the federal Patient Protection and Affordable Care Act of 2010,
 4 which prohibits restricting health insurance coverage to only
 5 unmarried dependents and dependents who live with the employee-
 6 beneficiary, and denying health insurance coverage to married
 7 dependents and dependents who do not live with the employee-
 8 beneficiary.

9 The purposes of this Act are to:

- 10 (1) Amend the definition of "dependent-beneficiary" in
 11 chapter 87A, Hawaii Revised Statutes, to clarify
 12 eligibility of children for participation in fund
 13 benefit plans; and
- 14 (2) Conform the definition of "dependent-beneficiary" to
 15 the federal Patient Protection and Affordable Care Act
 16 of 2010.

17 SECTION 2. Section 87A-1, Hawaii Revised Statutes, is
 18 amended by amending the definition of "dependent-beneficiary" to
 19 read as follows:

20 "Dependent-beneficiary" means an employee-beneficiary's:

- 21 (1) Spouse;



- 1 (2) ~~[Unmarried child]~~ Child deemed eligible by the board,
2 including a legally adopted child, stepchild, foster
3 child, or recognized natural child ~~[who lives with the~~
4 ~~employee beneficiary]~~, but excluding a child born or
5 legally adopted more than ten months after the date of
6 death of:
- 7 (A) An active employee killed in the performance of
8 duty;
- 9 (B) An active employee who was eligible to retire on
10 the date of death; or
- 11 (C) A retired employee-beneficiary; and
- 12 (3) Unmarried child regardless of age who is incapable of
13 self-support because of a mental or physical
14 incapacity, which existed prior to the unmarried
15 child's reaching the age of nineteen years."

16 SECTION 3. This Act does not affect rights and duties that
17 matured, penalties that were incurred, and proceedings that were
18 begun before its effective date.

19 SECTION 4. Statutory material to be repealed is bracketed
20 and stricken. New statutory material is underscored.

21 SECTION 5. This Act shall take effect on January 1, 2050.



Report Title:

Hawaii Employer-Union Health Benefits Trust Fund

Description:

Amends the definition of "dependent-beneficiary" as used in chapter 87A, HRS. (SB2761 HD1)

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