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# 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"  
11           contained in chapter 87A, Hawaii Revised Statutes, to  
12           clarify eligibility of children for participation in  
13           fund benefit plans; and  
14       (2) Bring the definition of "dependent-beneficiary" into  
15           conformance with the federal Patient Protection and  
16           Affordable Care Act 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 death  
6           of an employee killed in the performance of duty, born  
7           or legally adopted more than ten months after the  
8           death of an active employee who was eligible to retire  
9           on the date of death, or born or legally adopted more  
10          than ten months after the date of death of a retired  
11          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 the rights that  
17          accrued before the effective date of this Act.

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   Statutory material to be repealed is bracketed  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

20          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, Hawaii Revised Statutes. Takes effect 1/1/2050.  
(SD1)

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