

**SENATE CONCURRENT
RESOLUTION No. 35**

STATE OF NEW JERSEY

219th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2020 SESSION

Sponsored by:

Senator JOSEPH A. LAGANA

District 38 (Bergen and Passaic)

Senator JOSEPH F. VITALE

District 19 (Middlesex)

SYNOPSIS

Amends Constitution to prohibit denial of coverage by certain health insurers based on preexisting conditions.

CURRENT VERSION OF TEXT

Introduced Pending Technical Review by Legislative Counsel.



1 **A CONCURRENT RESOLUTION** proposing to amend Article I of the
2 New Jersey Constitution by adding a new paragraph thereto.

3
4 **BE IT RESOLVED** *by the Senate of the State of New Jersey (the*
5 *General Assembly concurring):*

6
7 1. The following proposed amendment to the Constitution of
8 the State of New Jersey is agreed to:

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10 PROPOSED AMENDMENT

11
12 Amend Article I of the State Constitution by the addition of the
13 following paragraph:

14 24. No health insurance carrier shall impose any exclusion of
15 benefits on the basis of a preexisting condition. An exclusion of
16 benefits occurs when there is any limitation or exclusion of
17 benefits, including a denial of coverage, based on the fact that a
18 health condition was present before the effective date of coverage,
19 or if coverage is denied, before the date of the denial.

20 As used in this paragraph, “health insurance carrier” means an
21 entity that contracts or offers to contract to provide, deliver, arrange
22 for, pay for, or reimburse any of the costs of health care services
23 under a health benefits plan issued in this State, including: an
24 insurance company authorized to issue health benefits plans; a
25 health maintenance organization; a health, hospital, or medical
26 service corporation; a multiple employer welfare arrangement; or
27 the State Health Benefits Program and the School Employees’
28 Health Benefits Program. “Carrier” shall not include an entity
29 providing or administering a self-funded health benefits plan.

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31 2. When this proposed amendment to the Constitution is finally
32 agreed to pursuant to Article IX, paragraph 1 of the Constitution, it
33 shall be submitted to the people at the next general election
34 occurring more than three months after the final agreement and
35 shall be published at least once in at least one newspaper of each
36 county designated by the President of the Senate, the Speaker of the
37 General Assembly and the Secretary of State, not less than three
38 months prior to the general election.

39
40 3. This proposed amendment to the Constitution shall be
41 submitted to the people at that election in the following manner and
42 form:

43 There shall be printed on each official ballot to be used at the
44 general election, the following:

45 a. In every municipality in which voting machines are not used,
46 a legend which shall immediately precede the question as follows:

1 If you favor the proposition printed below make a cross (X), plus
2 (+), or check (✓) in the square opposite the word "Yes." If you are
3 opposed thereto make a cross (X), plus (+) or check (✓) in the
4 square opposite the word "No."

5 b. In every municipality the following question:
6

	YES	CONSTITUTIONAL AMENDMENT TO PROHIBIT PREEXISTING CONDITION EXCLUSION IN HEALTH INSURANCE Do you approve <i>amending</i> the State Constitution to stop health insurers from denying benefits or coverage because of a preexisting condition? The amendment would only apply to health insurers that the State may regulate.
	NO	INTERPRETIVE STATEMENT This amendment to the State Constitution prohibits health insurers from denying benefits because of a health condition that existed before the person was insured. The amendment only applies to health insurers that the State may regulate.

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STATEMENT

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11 This amendment to the Constitution prohibits health insurers
12 from denying benefits because of a preexisting condition. A
13 preexisting condition is a health condition that existed before the
14 person was insured. The amendment only applies to health insurers
15 that the State may regulate.

16 As used in the amendment, "health insurance carrier" means an
17 entity that contracts or offers to contract to provide, deliver, arrange
18 for, pay for, or reimburse any of the costs of health care services
19 under a health benefits plan issued in this State, including: an
20 insurance company authorized to issue health benefits plans; a
21 health maintenance organization; a health, hospital, or medical
22 service corporation; a multiple employer welfare arrangement; or
23 the State Health Benefits Program and the School Employees'
24 Health Benefits Program. "Carrier" does not include an entity
25 providing or administering a self-funded health benefits plan.

26 The amendment applies only to health benefits that the State has
27 authority to regulate – insured health benefits plans offered by
28 private carriers and the two State health benefits programs. Self-
29 funded health benefits plans, which are governed exclusively by
30 federal law pursuant to the "Employee Retirement Income Security
31 Act of 1974," are not covered by the amendment.