

2 State of Arkansas
3 94th General Assembly
4 Regular Session, 2023

A Bill

HOUSE BILL 1037

5
6 By: Representative Pilkington

7 Filed with: House Committee on Insurance and Commerce
8 pursuant to A.C.A. §10-3-217.

9 For An Act To Be Entitled

10 AN ACT TO ESTABLISH THE RIGHT TO START PILOT PROGRAM
11 FOR HEALTHCARE PORTABILITY; TO ENCOURAGE ENTREPRENEUR
12 HEALTH INSURANCE PORTABILITY AND TAX SUPPORT; AND FOR
13 OTHER PURPOSES.

14 15 16 Subtitle

17 TO ESTABLISH THE RIGHT TO START PILOT
18 PROGRAM FOR HEALTHCARE PORTABILITY.

19
20
21 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

22
23 SECTION 1. DO NOT CODIFY. Title. This act shall be known and may be
24 cited as the "Right to Start Pilot Program for Healthcare Portability Act".

25
26 SECTION 2. Arkansas Code Title 23, Chapter 61, Subchapter 1, is
27 amended to add an additional section to read as follows:

28 23-61-118. Right to Start Pilot Program for Healthcare Portability –
29 Definition.

30 (a) The Insurance Commissioner shall develop, implement, and
31 administer a program to be known as the "Right to Start Pilot Program for
32 Healthcare Portability".

33 (b) The purpose of the program is to encourage and assist
34 entrepreneurs by providing health insurance portability and tax support
35 associated with the formation of a small business in this state.

1 (c) As used in this section, "entrepreneur" means an individual
2 starting a small business who meets the eligibility criteria established by
3 the commissioner for the program.

4 (d) The commissioner shall promulgate rules to establish criteria for
5 the review and approval of applications for the program.

6 (e) The commissioner shall ensure that the program will provide access
7 to statewide group health insurance benefits and tax support for an
8 entrepreneur.

9 (f) An entrepreneur may apply to the commissioner for available health
10 insurance benefits and tax support, using the form prescribed by the
11 commissioner, before obtaining health insurance for the small business for
12 which the entrepreneur seeks assistance the program under this section.

13 (g)(1) Health insurance benefits and tax support under the program
14 shall be provided in the manner determined by the commissioner.

15 (2) Assistance from the commissioner for health insurance
16 benefits and tax support under the program shall be limited to the first
17 three (3) years of the formation of the small business.

18 (h)(1) An entrepreneur participating in the program shall file annual
19 reports with the commissioner.

20 (2) The annual reports described in subdivision (h)(1) of this
21 section shall include without limitation:

22 (A) The current status of the small business or the date
23 the small business ceased operations;

24 (B) The number of employees employed by the small business
25 participating in the program;

26 (C) The number and amount of claims filed by employees of
27 the small business participating in the program; and

28 (D) The economic impact of the tax support provided to the
29 small business by the commissioner.

30 (i) The Secretary of State shall provide notice of the program to an
31 entrepreneur filing for the formation of a small business in this state.

32
33 SECTION 3. TEMPORARY LANGUAGE. DO NOT CODIFY. Rules.

34 (a) The Insurance Commissioner shall promulgate rules necessary to
35 implement this act.

1 (b)(1) When adopting the initial rules to implement this act, the
2 final rule shall be filed with the Secretary of State for adoption under §
3 25-15-204(f):

4 (A) On or before January 1, 2024; or

5 (B) If approval under § 10-3-309 has not occurred by
6 January 1, 2024, as soon as practicable after approval under § 10-3-309.

7 (2) The commissioner shall file the proposed rule with the
8 Legislative Council under § 10-3-309(c) sufficiently in advance of January 1,
9 2024, so that the Legislative Council may consider the rule for approval
10 before January 1, 2024.

11
12
13 Referred requested by the Arkansas House of Representatives

14 Prepared by: ANS/SJA
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36