

No. 2005-83

## AN ACT

SB 869

Amending Title 51 (Military Affairs) of the Pennsylvania Consolidated Statutes, providing for extension of health insurance benefits for certain military personnel who were full-time students at time of deployment.

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows:

Section 1. Section 7309 of Title 51 of the Pennsylvania Consolidated Statutes is amended to read:

§ 7309. Employment discrimination for military membership or duty.

(a) General rule.—It is unlawful for the Commonwealth or any of its departments, boards, commissions, agencies or any political subdivision, or for any private employer, to refuse to hire or employ any individual not on extended active duty because of his membership in the National Guard or any one of the other reserve components of the armed forces of the United States, or because he is called or ordered to active State duty or special State duty by the Governor during an emergency or as otherwise authorized by law, or because he is called or ordered to active duty by the Federal Government under provisions of 10 U.S.C. (relating to armed forces) or 32 U.S.C. (relating to National Guard), or to discharge from employment such individual, or to otherwise discriminate against such individual with respect to compensation, hire, tenure, terms, conditions or privileges of employment because of such membership, or because he is called or ordered to active State duty by the Governor during an emergency or because he is called or ordered to other military duty authorized by law.

(b) Reemployment following emergency or other military duty.—Upon the completion of such emergency or other military duty any such member of the Pennsylvania National Guard or any other reserve component of the armed forces of the United States shall be restored by such public or private employer or his successor in interest to such position or to a position of like seniority, status and pay which such member held prior to such emergency or other military duty, but if any such member is not qualified to perform the duties of such position by reason of disability sustained during such emergency or other military duty but qualified to perform the duties of any other position in the employ of such private employer or his successor in interest, such member shall be restored to such other position, the duties of which he is qualified to perform, as will provide him like seniority, status and pay, or the nearest approximation thereof consistent with the circumstances of the case, unless such public or private employer's or his successor in interests, circumstances have so changed as to make it impossible or unreasonable to do so.

(c) Extension of benefits during military duty.—Whenever a member of the Pennsylvania National Guard is called or ordered into active Federal service or active State duty under orders authorized by law or a member of any reserve component is called or ordered onto active duty, other than active duty for training, the public or private employer of the member shall, at no cost to the member, continue health insurance and other benefits in effect for at least the first 30 days of the military duty. After the expiration of the first 30 days, the public or private employer shall give the member of the National Guard or other reserve component the voluntary option of continuing such health insurance and other benefits in effect at his own expense by paying for the insurance or benefits at the same rates paid by the employer, and the insurance coverage shall continue, except for injuries incurred in the line of military duty.

*(d) Termination of certain health insurance benefits.—*

*(1) As used in this subsection, the term “eligible member” applies to full-time students who are eligible for health insurance coverage under their parents’ health insurance policies when the students are:*

*(i) members of the Pennsylvania National Guard or any reserve component of the armed forces of the United States who are called or ordered to active duty, other than active duty for training, for a period of 30 or more consecutive days; or*

*(ii) members of the Pennsylvania National Guard ordered to active State duty, including duty under 35 Pa.C.S. Ch. 76 (relating to Emergency Management Assistance Compact), for a period of 30 or more consecutive days.*

*(2) As used in this subsection, the term “full-time student” shall have the same meaning set forth in Chapter 32 (relating to Educational Assistance Program).*

*(3) The eligibility for health insurance coverage under a parent’s health insurance policy for eligible members as defined in paragraph (1) shall be extended for a period equal to the duration of the eligible member’s service on active duty or active State duty or until the eligible member is no longer a full-time student. The eligibility of an eligible member who is a full-time student for health insurance coverage under a parent’s policy shall not terminate because of the age of the eligible member when the member’s educational program was interrupted because of military duty.*

*(4) In order to qualify for this extension, the eligible member must:*

*(i) Submit a form approved by the Department of Military and Veterans Affairs notifying the insurer that the eligible member has been placed on active duty.*

*(ii) Submit a form approved by the Department of Military and Veterans Affairs notifying the insurer that the eligible member is no longer on active duty.*

*(iii) Submit a form approved by the Department of Military and Veterans Affairs showing that the student has reenrolled as a full-time student for the first term or semester starting 60 or more days after his or her release from active duty.*

*(5) The provisions of this subsection shall not apply to a health insurance policy that has been terminated.*

*(e) Definitions.—As used in this section, the following words and phrases shall have the meanings given to them in this subsection:*

*“Health insurance policy.” An individual or group health, sickness or accident policy or subscriber contract or certificate issued by an entity subject to any one of the following:*

*(1) The act of May 17, 1921 (P.L.682, No.284), known as The Insurance Company Law of 1921.*

*(2) The act of December 29, 1972 (P.L.1701, No.364), known as the Health Maintenance Organization Act.*

*(3) The act of May 18, 1976 (P.L.123, No.54), known as the Individual Accident and Sickness Insurance Minimum Standards Act.*

*(4) 40 Pa.C.S. Ch. 61 (relating to hospital plan corporations) or 63 (relating to professional health services plan corporations).*

Section 2. This act shall take effect in 60 days.

APPROVED—The 22nd day of December, A.D. 2005.

EDWARD G. RENDELL