



**S.B. 395**

126th General Assembly  
(As Introduced)

**Sens. Clancy, Carey, Schuler**

---

**BILL SUMMARY**

- Prohibits health benefit plans from limiting or excluding an insured's coverage for a loss that is otherwise covered under the plan but is the result of the insured's being intoxicated or under the influence of any narcotic.

---

**CONTENT AND OPERATION**

Existing law prohibits a policy of sickness and accident insurance from containing a provision that disclaims the insurer's liability for any loss sustained or contracted in consequence of the insured's being intoxicated or under the influence of any narcotic unless administered on the advice of a physician. The bill repeals that provision and stipulates that no health benefit plan may contain a provision that limits or excludes an insured's coverage under the plan for a loss the insured sustains that is the result of the insured's being intoxicated or under the influence of any narcotic and the loss is otherwise covered under the plan. (R.C. 3923.05 and 3923.80.)

The bill exempts its coverage mandate from the review otherwise required by existing law that requires the Superintendent of Insurance to hold a public hearing to consider any new health benefit mandate contained in a law enacted by the General Assembly (see **COMMENT**).

The bill defines "health benefit plan" to mean any hospital or medical expense policy or certificate or any health plan provided by a carrier that is delivered, issued for delivery, renewed, or used in this state on or after the date occurring six months after the effective date of this act. "Health benefit plan" does not include policies covering only accident, credit, dental, disability income, long-term care, hospital indemnity, Medicare supplement, specified disease, or vision care; coverage under a one-time, limited duration policy of not longer than six months; coverage issued as a supplement to liability insurance; insurance arising

out of workers' compensation or similar law; automobile medical-payment insurance; or insurance under which benefits are payable with or without regard to fault and that is statutorily required to be contained in any liability insurance policy or equivalent self-insurance. (R.C. 3923.80.)

Under the bill, "carrier" means any sickness and accident insurance company or health insuring corporation authorized to issue health benefit plans in this state, a public employee benefit plan, or a multiple employer welfare arrangement as defined under ERISA, except for any arrangement which is fully insured as defined under that act. (*Id.*)

---

## COMMENT

Under existing law (R.C. 3901.71) a new health benefit mandate may not be applied to policies and plans of insurance until the Superintendent determines that the mandate can be fully and equally applied to self-insured employee benefit plans subject to regulation under the federal Employee Retirement Income Security Act of 1974 (hereafter "ERISA"), and to employee benefit plans established by the state or its political subdivisions, or their agencies and instrumentalities. ERISA generally precludes state regulation of benefits offered by private self-insured employee benefit plans.

---

## HISTORY

ACTION	DATE
Introduced	11-16-06

S0395-I-126.doc/jc