

AMENDED IN ASSEMBLY APRIL 28, 2016  
AMENDED IN ASSEMBLY APRIL 13, 2016  
AMENDED IN ASSEMBLY SEPTEMBER 9, 2015  
AMENDED IN ASSEMBLY JULY 7, 2015  
AMENDED IN SENATE JUNE 2, 2015

**SENATE BILL**

**No. 10**

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**Introduced by Senator Lara**

*(Coauthors: Assembly Members Bonta, Roger Hernández, Thurmond,  
and Wood)*

December 1, 2014

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An act to add Section 100522 to the Government Code, relating to health care ~~coverage~~: *coverage, and declaring the urgency thereof, to take effect immediately.*

LEGISLATIVE COUNSEL'S DIGEST

SB 10, as amended, Lara. Health care coverage: immigration status.

Existing law, the federal Patient Protection and Affordable Care Act (PPACA), requires each state to establish an American Health Benefit Exchange that facilitates the purchase of qualified health plans by qualified individuals and qualified small employers, and meets certain other requirements. PPACA specifies that an individual who is not a citizen or national of the United States or an alien lawfully present in the United States shall not be treated as a qualified individual and may not be covered under a qualified health plan offered through an exchange. Existing law creates the California Health Benefit Exchange (*the Exchange*) for the purpose of facilitating the enrollment of qualified

individuals and qualified small employers in qualified health plans as required under PPACA.

This bill would require the Secretary of California Health and Human Services to apply to the United States Department of Health and Human Services for a waiver to allow individuals who are not eligible to obtain health coverage *through the Exchange* because of their immigration status to obtain coverage from the Exchange. The bill would require, after that waiver has been granted, the Exchange to offer California qualified health benefit plans, as specified, to these individuals. The bill would require that individuals eligible to purchase California qualified health plans pay the cost of coverage without federal assistance.

*This bill would declare that it is to take effect immediately as an urgency statute.*

Vote: ~~majority~~<sup>2/3</sup>. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

*The people of the State of California do enact as follows:*

- 1 SECTION 1. Section 100522 is added to the Government Code,
- 2 to read:
- 3 100522. (a) The Secretary of California Health and Human
- 4 Services shall apply to the United States Department of Health
- 5 and Human Services for a waiver authorized under Section 1332
- 6 of the federal act as defined in subdivision (e) of Section 100501
- 7 in order to allow persons otherwise not able to obtain coverage by
- 8 reason of immigration status through the Exchange to obtain
- 9 coverage from the Exchange by waiving the requirement that the
- 10 Exchange offer only qualified health plans solely for the purpose
- 11 of offering coverage to persons otherwise not able to obtain
- 12 coverage by reason of immigration status.
- 13 (b) The Exchange shall offer California qualified health plans
- 14 that shall be subject to the requirements of this title, including all
- 15 of those requirements applicable to qualified health plans. In
- 16 addition, California qualified health plans shall be subject to the
- 17 requirements of Section 1366.6 of the Health and Safety Code and
- 18 Section 10112.3 of the Insurance Code in the same manner as
- 19 qualified health plans.
- 20 (c) Persons eligible to purchase California qualified health plans
- 21 shall pay the cost of coverage without federal advanced premium

1 tax credit, federal cost-sharing reduction, or any other federal  
2 assistance.

3 (d) Subdivisions (b) and (c) shall become operative upon federal  
4 approval of the waiver pursuant to subdivision (a).

5 (e) For purposes of this section, a “California qualified health  
6 plan” means a product offered to persons not otherwise eligible to  
7 purchase coverage from the Exchange by reason of immigration  
8 status and that comply with each of the requirements of state law  
9 and the Exchange for a qualified health plan.

10 *SEC. 2. This act is an urgency statute necessary for the*  
11 *immediate preservation of the public peace, health, or safety within*  
12 *the meaning of Article IV of the Constitution and shall go into*  
13 *immediate effect. The facts constituting the necessity are:*

14 *In order to request federal approval of the waiver to expand*  
15 *access to health care coverage in California as quickly as possible,*  
16 *it is necessary that this act go into immediate effect.*

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