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§§1-8
C.17B:27A-59.1
to 17B:27A-59.8
§11
Note

P.L. 2022, CHAPTER 39, *approved June 30, 2022*
Assembly, No. 674 (*First Reprint*)

1 AN ACT establishing the New Jersey Easy Enrollment Health
2 Insurance Program ¹**[and]** ¹ supplementing ¹and amending¹
3 P.L.2019, c.141 ¹**[(C.17B:27A-57 et seq.)]** ¹and amending
4 R.S.54:50-9¹.
5

6 **BE IT ENACTED** by the Senate and General Assembly of the State
7 of New Jersey:
8

9 1. As used in this act:

10 “Commissioner” means the Commissioner of Banking and
11 Insurance.

12 ¹**["Cost-sharing reduction" means a reduction described in**
13 **Section 1402(c) of the Affordable Care Act.]**¹

14 “Department” means the Department of Banking and Insurance.

15 “Insurance affordability assistance” means:

16 (1) the State Medicaid program established pursuant to
17 P.L.1968, c.413 (C.30:4D-1 et seq.);

18 (2) the NJ FamilyCare Program established pursuant to
19 P.L.2005, c.156 (C.30:4J-8 et al.);

20 (3) premium tax credits; or

21 (4) cost-sharing reductions.

22 ¹**["Modified adjusted gross income" has the meaning stated in 42**
23 **U.S.C. s.1395r(i)(4)(A).**

24 “Poverty line” has the meaning stated in 42 U.S.C.
25 s.1397jj(c)(5).¹

26 “Premium tax credits” means the tax credits described in section
27 36B of the Internal Revenue Code.

28 ¹**["Proactively contact" means an attempt by the program to**
29 **reach an individual by:**

30 (1) making multiple attempts to contact the individual as
31 requested on a State income tax return in accordance with section 8
32 of this act;

33 (2) if the attempts described in paragraph (1) of this definition
34 do not successfully reach the individual or if no specific methods
35 for contacting the individual were requested, making multiple

EXPLANATION – Matter enclosed in bold-faced brackets **[thus]** in the above bill is not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

Matter enclosed in superscript numerals has been adopted as follows:

¹Assembly AFI committee amendments adopted February 3, 2022.

1 attempts to contact the individual through telephonic and electronic
2 means; and

3 (3) if the attempts described in paragraphs (1) and (2) of this
4 definition do not successfully reach the individual to obtain the
5 requested information, sending paper forms or notices to the
6 individual by mail.】¹

7 “Program” means the New Jersey Easy Enrollment Health
8 Insurance Program established pursuant to this act.

9 “Individual” means an individual ¹【under the age of 65 years】¹
10 who is identified through a State income tax return under section
11 ¹【8】6¹ of this act as not having minimum essential coverage.

12 ¹【“Workgroup” means the New Jersey Easy Enrollment Health
13 Insurance Program Advisory Workgroup established pursuant to
14 section 3 of this act.】¹

15

16 2. a. The Department of Banking and Insurance shall establish
17 and have the authority to operate the New Jersey Easy Enrollment
18 Health Insurance Program. The department shall integrate the
19 program with the State-based exchange established pursuant to
20 P.L.2019, c.141 (C.17B:27A-57 et seq.), and may enter into an
21 agreement with a third-party for operation of the program. The
22 purpose of the program shall be to:

23 (1) establish a State-based reporting system to provide
24 information about the health insurance status of State residents
25 through the use of State income tax returns ¹and approved eFile
26 vendors¹ to identify individuals without minimum essential
27 coverage and determine whether the individual is interested in
28 obtaining minimum essential coverage;

29 (2) determine ¹or assess, as feasible,¹ whether an individual who
30 is interested in obtaining minimum essential coverage qualifies for
31 insurance affordability assistance;

32 (3) proactively contact an individual who is interested in
33 obtaining minimum essential coverage to assist in enrolling the
34 individual in insurance affordability assistance and minimum
35 essential coverage; and

36 (4) maximize enrollment of eligible individuals in insurance
37 affordability assistance and minimum essential coverage to improve
38 access to care and reduce insurance costs for all residents of the
39 State.

40 b. The Commissioner of Banking and Insurance, ¹in
41 coordination with¹ the Commissioner of Human Services, the
42 Commissioner of Labor and Workforce Development, and the State
43 Treasurer ¹,¹ shall develop and implement systems, policies, and
44 practices that encourage, facilitate, and streamline determination of
45 eligibility for insurance affordability assistance and enrollment in
46 minimum essential coverage to achieve the purposes of the
47 program.

1 c. To facilitate the most efficient implementation of the
2 program, the Commissioner of Banking and Insurance, the
3 Commissioner of Human Services, the Commissioner of Labor and
4 Workforce Development, and the State Treasurer may enter into
5 agreements, adopt regulations and guidelines, establish accounts,
6 conduct trainings, provide public information, educate tax
7 preparers, and take any other steps as may be necessary to
8 accomplish the purpose of the program.

9 d. Notwithstanding the provisions of subsection a. of
10 R.S.54:50-8 to the contrary, the State Treasurer ¹~~may~~ shall¹ share
11 with the Commissioner of Banking and Insurance the taxpayer
12 information that is necessary for the purposes of this act ¹and
13 P.L.2018, c.31 (C.54A:11-1 et seq.)¹.

14 e. The ¹~~Commissioner~~ Commissioners¹ of Human Services
15 ¹~~may pursue any~~ and Banking and Insurance shall apply and
16 secure any State plan amendments or¹ necessary waivers from the
17 federal Department of Health and Human Services in order to
18 implement the provisions of this act.

19
20 ¹~~3.~~ a. The Commissioner of Banking and Insurance shall
21 establish a New Jersey Easy Enrollment Health Insurance Program
22 Advisory Workgroup to provide ongoing advice regarding the
23 implementation of the program.

24 b. The workgroup shall include representation from:

- 25 (1) the commissioner;
26 (2) consumer groups;
27 (3) employers;
28 (4) insurers;
29 (5) health care providers;
30 (6) navigators or other consumer assisters;
31 (7) insurance brokers or agents;
32 (8) labor organizations;
33 (9) income tax preparers;
34 (10) national policy experts;
35 (11) federally qualified health centers; and
36 (12) any other organizations or groups selected by the
37 commissioner.

38 c. The workgroup shall meet at least once every six months.

39 d. This section shall not be construed to prevent the
40 commissioner from convening other formal or informal working or
41 advisory groups to facilitate the implementation of the program. ¹

42
43 ¹~~4.~~ a. The New Jersey Easy Enrollment Health Insurance
44 Program shall determine ¹ 3. a. The Department of Banking and
45 Insurance may assess or determine, as appropriate,¹ eligibility for
46 insurance affordability assistance as soon as possible after an
47 individual files a State income tax return on which the individual

1 indicates pursuant to paragraph (3) of subsection c. of section **1[8]**
2 **6**¹ of this act, that the individual 1or another individual indicated on
3 the tax return¹ is seeking coverage.

4 b. (1) To the extent practicable, the **1[program shall]** department
5 may¹ verify an individual's eligibility for insurance affordability
6 assistance with information on a State income tax return and other
7 data from third-party data sources, including data described in
8 section 1413 of the Affordable Care Act or available pursuant to
9 section **1[8]** **6**¹ of this act, without requesting additional
10 information from the individual.

11 (2) If additional documentation from an individual is required to
12 establish eligibility for insurance affordability assistance, the
13 **1[program]** department¹ shall take steps to **1[limit]** obtain such
14 information while limiting¹ the burden on the individual **1[**,
15 including:

16 (a) proactively contacting the individual who filed the tax return
17 or the individual;

18 (b) recording, by telephonic or electronic means, documentation
19 provided by the individual who filed the tax return or the
20 individual; and

21 (c) if the documentation required to determine eligibility is not
22 obtained using the steps described in subparagraphs (a) and (b) of
23 this paragraph, facilitating the selection of an authorized
24 representative for the individual.

25 c. (1) Before determining eligibility of an individual for
26 insurance affordability assistance, the program shall attempt to
27 verify the citizenship status of the individual and each household
28 member listed on the State income tax return, based on the
29 information available from the return and reliable third-party
30 sources of citizenship data.

31 (2) If the process described in paragraph (1) of this subsection
32 does not confirm that the individual and each household member
33 listed on the State income tax return is a United States citizen, the
34 program shall not seek additional verification or take other steps to
35 determine eligibility for insurance affordability assistance until the
36 individual provides affirmative consent using forms and procedures
37 approved by the program.

38 (3) The affirmative consent required under paragraph (2) of this
39 subsection may be satisfied through the procedures described in 42
40 U.S.C. s.1320b-7(d).

41 (4) If citizenship is not verified and affirmative consent is not
42 provided in accordance with paragraph (2) of this subsection, the
43 program shall not take any further steps to determine an individual's
44 eligibility for insurance affordability assistance. **1]** .

45 c. The Department of Banking and Insurance may make, or
46 refer to the Department of Human Services to make, an assessment
47 or determination, as appropriate, of eligibility for the State

1 Medicaid program or the NJ FamilyCare Program. The Department
2 of Banking and Insurance may utilize and share with the
3 Department of Human Services any information provided to the
4 Department of Banking and Insurance in making assessments or
5 determinations pursuant to this subsection.¹

6
7 ¹5. a. The program shall make a determination of eligibility, in
8 accordance with section 4 of this act, for the State Medicaid
9 program or the NJ FamilyCare Program under this section, before
10 determining eligibility for any other insurance affordability
11 assistance.

12 b. (1) If an individual is determined to be eligible for the State
13 Medicaid program or the NJ FamilyCare Program, the procedures
14 described in this section and guidelines established by the
15 Department of Human Services, to implement this subsection shall
16 apply.

17 (2) If an individual fails to select a managed care organization
18 plan within a period of time established by the program, the
19 program may assign the individual to and promptly enroll the
20 individual in a managed care organization plan.

21 (3) Before the program assigns an individual to a managed care
22 organization plan, the individual shall receive:

23 (a) advance notice;

24 (b) an opportunity to select another managed care organization
25 plan within the period of time established by the program; and

26 (c) an opportunity to opt out of coverage.

27 c. The program may utilize any information provided to the
28 Department of Banking and Insurance or the Department of Human
29 Services in making determinations pursuant to this section. **】**¹

30

31 ¹6. a. If an individual is not determined to be eligible for the
32 State Medicaid program or the NJ FamilyCare Program pursuant to
33 section 5 of this act, the program shall determine, in accordance
34 with section 4 of this act, whether the individual is eligible for
35 premium tax credits or cost-sharing reductions as determined under
36 this section.

37 b. (1) A special enrollment period for the New Jersey
38 Individual Health Coverage Program shall begin on the date the
39 program sends notice of eligibility to the individual.

40 **2】** 4. a. The Department of Banking and Insurance shall
41 establish a special enrollment period for the New Jersey individual
42 health insurance market to facilitate the objectives of the program.¹

43 The enrollment period described in this section shall last for a
44 period of time, to be determined by the Department of Banking and
45 Insurance ¹**】**before the start of the calendar year¹, that shall not be
46 shorter than 30 days.

1 ¹**['c. (1)] b.**¹ Information about the enrollment period described
 2 in subsection ¹**['b.] a.**¹ of this section shall be communicated to the
 3 public and affected individuals through measures that may include
 4 language in the instructions for the State individual income tax
 5 return, if inclusion of the language is approved by the State
 6 Treasurer.

7 ¹**[(2)] c.**¹ The Department of Banking and Insurance shall
 8 conduct outreach to individuals described in ¹**['paragraph (1)]**
 9 subsection b.¹ of this ¹**['subsection] section**¹, using methods that
 10 may include written notices and the provision of individualized
 11 assistance by insurance agents and brokers, navigators, tax
 12 preparers, and contractors and staff.

13 ¹**[(3)]**¹ Notwithstanding any other provision of this act, the
 14 Department of Banking and Insurance may compensate an entity for
 15 outreach described in ¹**['paragraph (2) of]**¹ this subsection in a
 16 manner that reflects, in whole or in part, the number of individuals
 17 enrolled under this section and section ¹**['4] 3**¹ of this act by that
 18 entity ¹or any other reasonable manner¹.

19
 20 ¹**['7.] 5.**¹ a. The Department of Banking and Insurance shall
 21 develop data privacy and data security safeguards to govern the
 22 conveyance, storage, and utilization of data under the program.

23 b. The safeguards developed under subsection a. of this section
 24 shall ensure that the conveyance, storage, and utilization of data
 25 under the program comply with applicable requirements of federal
 26 and State law.

27
 28 ¹**['8 .] 6.**¹ a. If a State income tax return indicates that an
 29 individual is ¹**['uninsured] not covered under minimum essential**
 30 coverage¹ at the time the tax return is filed, consistent with the
 31 provisions of P.L.2018, c.31 (C.54A:11-1 et seq.), the tax return
 32 shall include the following information as to ¹**['the uninsured] each**
 33 such¹ individual ¹included in the tax return¹:

34 (1) the age of each individual;

35 (2) election by the individual filing the tax return of one of the
 36 two checkoff boxes described in subsection c. of this section ¹for
 37 each individual included in the tax return¹;

38 (3) if the individual who files a tax return chooses the checkoff
 39 box described in paragraph (3) of subsection c. of this section, any
 40 information determined by the ¹**['program] department**¹ as essential
 41 to determining eligibility for insurance affordability assistance ¹for
 42 the individual filing the tax return or any individual included in the
 43 tax return¹, if the information:

44 (a) is not available from a reliable third-party data source;

45 (b) is not otherwise required to be provided on the return; and

46 (c) does not pertain to citizenship or immigration status; and

1 (4) notification of the potential waiver of the State shared
2 responsibility tax pursuant to subsection d. of this section.

3 b. For an individual who files a tax return and chooses the
4 checkoff box described in paragraph (3) of subsection c. of this
5 section, the return ¹**【shall give】** or separate form shall facilitate the
6 collection of contact information, including a phone number,
7 electronic mail address, and mailing address, from¹ the individual
8 who filed the tax return ¹**【the】** and provide an¹ option to indicate
9 the individual's preferred method for the ¹**【program】** department¹ to
10 contact the individual who filed the tax return to facilitate either
11 determination of eligibility for insurance affordability assistance or
12 enrollment in ¹**【health】** minimum essential¹ coverage.

13 c. (1) In accordance with this section, the State Treasurer shall
14 include with the income tax return form a separate form that is
15 required only for individuals who file a tax return indicating that an
16 individual 'included in the tax return'¹ is ¹**【uninsured】** not covered
17 under minimum essential coverage¹ at the time the tax return is
18 filed.

19 (2) The separate form shall include two checkoff boxes as
20 described in paragraphs (3) and (4) of this subsection 'for each
21 individual included in the tax return'¹ and the information described
22 in paragraphs (2) and (3) of subsection a. 'and in subsection b.'¹
23 this section.

24 (3) One checkoff box shall give an individual who files a tax
25 return the choice to have the ¹**【program】** department¹:

26 (a) based on information in the individual's tax return, determine
27 ¹**【the individual's eligibility for insurance affordability assistance】**
28 eligibility for insurance affordability assistance for the individual
29 filing the tax return and any other individual included in that tax
30 return who does not have minimum essential coverage¹; and

31 (b) obtain additional data that may be relevant to determine ¹**【the**
32 **individual's】**¹ eligibility for insurance affordability assistance 'for
33 the individual filing the tax return and any other individual included
34 in that tax return who does not have minimum essential coverage¹.

35 (4) One checkoff box shall allow an individual who files a tax
36 return the choice to not have the ¹**【program】** department¹ make the
37 determination described in paragraph (3) of this subsection 'for the
38 individual filing the tax return and any other individual included in
39 that tax return who does not have minimum essential coverage¹.

40 (5) The State Treasurer, in consultation with the Department of
41 Banking and Insurance ¹**【and with the advice of the workgroup】**¹,
42 shall:

43 (a) develop language for the checkoff boxes described in
44 paragraphs (3) and (4) of this subsection;

45 (b) develop language for the instructions for the State income tax
46 return that includes a description of the effects of choosing the

1 checkoff boxes described in paragraphs (3) and (4) of this
2 subsection, including the purposes for which the information
3 disclosed under this section may be used; and

4 (c) ensure that the language developed under subparagraph (a) of
5 this paragraph is as simple, clear, and easy to understand as
6 possible.

7 (6) If an individual who files a tax return makes the election
8 described in paragraph (3) of this subsection, the State Treasurer
9 shall convey to the '[program] department' all '[insurance-
10 relevant] eligibility-relevant' information contained on the return
11 'for all individuals included in that tax return'.

12 d. The State Treasurer shall waive the State shared
13 responsibility tax imposed pursuant to section 3 of P.L.2018, c.31
14 (C.54A:11-3) 'applicable to months of the year that the tax return is
15 filed' for any taxpayer who chooses the checkoff box described in
16 paragraph (3) of subsection c. of this section. If the taxpayer fails
17 to enroll in '[health benefits] minimum essential' coverage and
18 maintain that coverage in each month following the enrollment
19 period, the taxpayer shall be liable for any payments to which the
20 taxpayer would have otherwise been subject.

21 e. The State Treasurer shall coordinate the requirements of this
22 subsection with the requirements of the "New Jersey Health
23 Insurance Market Preservation Act," P.L.2018, c.31 (C.54A:11-
24 1 et seq.).

25
26 '[9.] 7.' a. An individual that consents to share information
27 through the system established pursuant to section '[10] 8' of this
28 act shall be eligible for a special enrollment period pursuant to
29 subsection b. of this section. The '[program] Department of
30 Banking and Insurance' shall determine, in accordance with
31 sections '[4 through 6] 3 and 4' of this act, whether the individual
32 is eligible for the State Medicaid program or the NJ FamilyCare
33 Program, premium tax credits, or cost-sharing reductions.

34 b. (1) '[A] The Department of Banking and Insurance shall
35 establish a' special enrollment period for the New Jersey
36 '[Individual Health Coverage Program shall begin on the date the
37 program sends notice of eligibility to the individual.] individual
38 health insurance market.'

39 (2) The enrollment period described in this section shall last for a
40 period of time, to be determined by the Department of Banking and
41 Insurance '[before the start of the calendar year]', that shall not be
42 shorter than 30 days.

43 c. '[(1)]' The Department of Banking and Insurance shall
44 conduct outreach to affected individuals, using methods that may
45 include written notices and the provision of individualized

1 assistance by insurance agents and brokers, navigators, tax
2 preparers, and contractors and staff.

3 ¹[(2) Notwithstanding any other provision of this act, the
4 Department of Banking and Insurance may compensate an entity for
5 outreach described in paragraph (1) of this subsection in a manner
6 that reflects, in whole or in part, the number of individuals enrolled
7 under this section by that entity.]¹

8
9 ¹[10.] 8.¹ a. ¹[On or before September 1, 2021, the] The¹
10 Department of Labor and Workforce Development shall ¹[begin
11 implementing] implement¹ a system through which an individual
12 who has filed a claim for unemployment insurance benefits may¹,
13 as part of the claim filing application, indicate that the individual is
14 interested in obtaining minimum essential coverage and¹ consent
15 ¹[, as part of a weekly claim certification,]¹ to the sharing of
16 relevant information collected by the Department of Labor and
17 Workforce Development with the ¹[program, the State-based
18 exchange established pursuant to P.L.2019, c.141 (C.17B:27A-57 et
19 seq.), the]¹ Department of Banking and Insurance¹[,]¹ and the
20 Department of Human Services to determine whether the individual
21 qualifies for the State Medicaid program or the NJ FamilyCare
22 Program, or any other insurance affordability assistance ¹and to
23 support minimum essential coverage outreach and enrollment
24 efforts. If an individual indicates that the individual is interested in
25 obtaining minimum essential coverage and consents to share
26 information pursuant to this subsection, then the Department of
27 Labor and Workforce Development shall notify the Department of
28 Banking and Insurance, which may assess or determine, as
29 appropriate, eligibility for insurance affordability assistance or
30 make, or refer to the Department of Human Services to make, an
31 assessment or determination, as appropriate, of eligibility for the
32 State Medicaid program or the NJ FamilyCare Program¹.

33 b. The Department of Labor and Workforce Development shall
34 enter into an agreement with ¹[the State-based exchange,]¹ the
35 Department of Banking and Insurance¹[,]¹ and the Department of
36 Human Services, before the system described in subsection a. of
37 this section begins to operate, that enables the system to operate in
38 compliance with all applicable State and federal requirements
39 related to privacy, data security, and funding.

40 c. The consent request described in subsection a. of this section
41 shall be prominently placed on the ¹[weekly claim certification
42 form,] claim filing application¹ in clear and understandable
43 language that is easy to read.

44 d. The Department of Labor and Workforce Development shall
45 cooperate with ¹[the State-based exchange,]¹ the Department of
46 Banking and Insurance¹[,]¹ and the Department of Human Services

1 to claim the maximum amount of available federal funding for the
2 establishment and operation of the system established pursuant to
3 this section.

4 e. To facilitate the most efficient implementation of the system,
5 the Commissioner of Banking and Insurance, the Commissioner of
6 Human Services, and the Commissioner of Labor and Workforce
7 Development may enter into agreements, adopt regulations and
8 guidelines, establish accounts, conduct trainings, provide public
9 information, educate tax preparers, and take any other steps as may
10 be necessary to accomplish the purpose of the system.

11

12 ¹⁹. Section 2 of P.L.2019, c.141 (C.17B:27A-58) is amended to
13 read as follows:

14 2. a. Notwithstanding any other law to the contrary, the
15 Department of Banking and Insurance shall have the authority to
16 operate a State-based exchange and coordinate the operations of the
17 exchange with the operations of the New Jersey Individual Health
18 Coverage Program and the New Jersey Small Employer Health
19 Benefits Program, including reorganization of the boards, as the
20 commissioner deems appropriate. The department's authority to
21 regulate the insurance market shall be separate and distinct from the
22 department's duty to oversee exchange operations, to ensure the best
23 interests of and protection for consumers of the State. The
24 commissioner may require that all plans in the individual and small
25 employer markets be made available for comparison on the State-
26 based exchange, but nothing in this section shall allow the
27 commissioner to require all plans in the individual and small
28 employer markets to be purchased exclusively on the State-based
29 exchange. The department shall coordinate the operations of the
30 exchange with the operations of the State Medicaid program
31 established pursuant to P.L.1968, c.413 (C.30:4D-1 et seq.) and the
32 NJ FamilyCare Program established pursuant to P.L.2005, c.156
33 (C.30:4J-8 et al.) to determine eligibility for those programs as soon
34 as practicable.

35 b. The Commissioner of Human Services, in consultation with
36 the Commissioner of Banking and Insurance, shall submit a
37 proposal for available federal financial participation funds to the
38 Centers for Medicare & Medicaid Services of the U.S. Department
39 of Health and Human Services pursuant to 42 C.F.R. 433.112 for
40 the Medicaid eligibility platform and the exchange to be integrated.
41 Notwithstanding the foregoing, the Department of Banking and
42 Insurance may proceed to implement the provisions of this act,
43 including the operation of the State-based exchange.

44 c. The Commissioner of Banking and Insurance shall have the
45 authority to require that plans offered on the exchange conform
46 with standardized plan designs that provide for standardized cost-
47 sharing for covered health services.

1 d. The Commissioner of Banking and Insurance shall establish
2 an advisory committee to provide advice to the commissioner
3 concerning the operation of the exchange and the implementation of
4 the New Jersey Easy Enrollment Health Insurance Program
5 established pursuant to P.L. , c. (C.) (pending before the
6 Legislature as this bill). The advisory committee shall include at
7 least nine members, as follows:

8 (1) The Commissioner of Banking and Insurance, or a designee,
9 who shall serve ex-officio;

10 (2) The Commissioner of Human Services, or a designee, who
11 shall serve ex-officio;

12 (3) the Commissioner of Health, or a designee, who shall serve
13 ex-officio; and

14 (4) six public members, who shall be residents of the State,
15 appointed by the Commissioner of Banking and Insurance. Each
16 public member shall have demonstrated experience in one or more
17 of the following areas: health insurance consumer advocacy;
18 individual health insurance coverage; small employer health
19 insurance coverage; health benefits plan marketing; the provision of
20 health care services; or academic or professional research relating
21 to health insurance.

22 (cf: P.L.2019, c.141, s.2)¹

23
24 ¹10. R.S.54:50-9 is amended to read as follows:

25 54:50-9. Nothing herein contained shall be construed to prevent:

26 a. The delivery to a taxpayer or the taxpayer's duly authorized
27 representative of a copy of any report or any other paper filed by
28 the taxpayer pursuant to the provisions of this subtitle or of any
29 such State tax law;

30 b. The publication of statistics so classified as to prevent the
31 identification of a particular report and the items thereof;

32 c. The director, in the director's discretion and subject to
33 reasonable conditions imposed by the director, from disclosing the
34 name and address of any licensee under any State tax law, unless
35 expressly prohibited by such State tax law;

36 d. The inspection by the Attorney General or other legal
37 representative of this State of the reports or files relating to the
38 claim of any taxpayer who shall bring an action to review or set
39 aside any tax imposed under any State tax law or against whom an
40 action or proceeding has been instituted in accordance with the
41 provisions thereof;

42 e. The examination of said records and files by the
43 Comptroller, State Auditor or State Commissioner of Finance, or by
44 their respective duly authorized agents;

45 f. The furnishing, at the discretion of the director, of any
46 information contained in tax reports or returns or any audit thereof
47 or the report of any investigation made with respect thereto, filed
48 pursuant to the tax laws, to the taxing officials of any other state,

1 the District of Columbia, the United States and the territories
2 thereof, providing said jurisdictions grant like privileges to this
3 State and providing such information is to be used for tax purposes
4 only;

5 g. The furnishing, at the discretion of the director, of any
6 material information disclosed by the records or files to any law
7 enforcing authority of this State who shall be charged with the
8 investigation or prosecution of any violation of the criminal
9 provisions of this subtitle or of any State tax law;

10 h. The furnishing by the director to the State agency
11 responsible for administering the Child Support Enforcement
12 program pursuant to Title IV-D of the federal Social Security Act,
13 Pub.L.93-647 (42 U.S.C. s.651 et seq.), with the names, home
14 addresses, social security numbers and sources of income and assets
15 of all absent parents who are certified by that agency as being
16 required to pay child support, upon request by the State agency and
17 pursuant to procedures and in a form prescribed by the director;

18 i. The furnishing by the director to the Board of Public
19 Utilities any information contained in tax information statements,
20 reports or returns or any audit thereof or a report of any
21 investigation made with respect thereto, as may be necessary for the
22 administration of P.L.1991, c.184 (C.54:30A-18.6 et al.) and
23 P.L.1997, c.162 (C.54:10A-5.25 et al.);

24 j. The furnishing by the director to the Director of the Division
25 of Alcoholic Beverage Control in the Department of Law and
26 Public Safety any information contained in tax information
27 statements, reports or returns or any audit thereof or a report of any
28 investigation made with respect thereto, as may be relevant, in the
29 discretion of the director, in any proceeding conducted for the
30 issuance, suspension or revocation of any license authorized
31 pursuant to Title 33 of the Revised Statutes;

32 k. The inspection by the Attorney General or other legal
33 representative of this State of the reports or files of any tobacco
34 product manufacturer, as defined in section 2 of P.L.1999, c.148
35 (C.52:4D-2), for any period in which that tobacco product
36 manufacturer was not or is not in compliance with subsection a. of
37 section 3 of P.L.1999, c.148 (C.52:4D-3), or of any licensed
38 distributor as defined in section 102 of P.L.1948, c.65 (C.54:40A-
39 2), for the purpose of facilitating the administration of the
40 provisions of P.L.1999, c.148 (C.52:4D-1 et seq.);

41 l. The furnishing, at the discretion of the director, of
42 information as to whether a contractor or subcontractor holds a
43 valid business registration as defined in section 1 of P.L.2001, c.134
44 (C.52:32-44);

45 m. The furnishing by the director to a State agency as defined in
46 section 1 of P.L.1995, c.158 (C.54:50-24) the names of licensees
47 subject to suspension for non-payment of State tax indebtedness
48 pursuant to P.L.2004, c.58 (C.54:50-26.1 et al.);

- 1 n. The release to the United States Department of the Treasury,
2 Bureau of Financial Management Service, or its successor of
3 relevant taxpayer information for purposes of implementing a
4 reciprocal collection and offset of indebtedness agreement entered
5 into between the State of New Jersey and the federal government
6 pursuant to section 1 of P.L.2006, c.32 (C.54:49-12.7);
- 7 o. The examination of said records and files by the
8 Commissioner of Health and Senior Services, the Commissioner of
9 Human Services, the Medicaid Inspector General, or their
10 respective duly authorized agents, pursuant to section 5 of
11 P.L.2007, c.217 (C.26:2H-18.60e), section 3 of P.L.1968, c.413
12 (C.30:4D-3), or section 5 of P.L.2005, c.156 (C.30:4J-12);
- 13 p. The furnishing at the discretion of the director of employer
14 provided wage and tax withholding information contained in tax
15 reports or returns filed pursuant to N.J.S.54A:7-2, 54A:7-4 and
16 54A:7-7, to the designated municipal officer of a municipality
17 authorized to impose an employer payroll tax pursuant to the
18 provisions of Article 5 (Employer Payroll Tax) of the "Local Tax
19 Authorization Act," P.L.1970, c.326 (C.40:48C-14 et seq.), for the
20 limited purpose of verifying the payroll information reported by
21 employers subject to the employer payroll tax;
- 22 q. The furnishing by the director to the Commissioner of Labor
23 and Workforce Development of any information, including, but not
24 limited to, tax information statements, reports, audit files, returns,
25 or reports of any investigation for the purpose of labor market
26 research or assisting in investigations pursuant to any State wage,
27 benefit or tax law as enumerated in section 1 of P.L.2009, c.194
28 (C.34:1A-1.11); or pursuant to P.L.1940, c.153 (C.34:2-21.1 et
29 seq.).
- 30 r. The furnishing by the director to the New Jersey Economic
31 Development Authority any information contained in tax
32 information statements, reports or returns, or any audit thereof or a
33 report of any investigation made with respect thereto, as may be
34 relevant to assist the authority in the implementation of programs
35 through which grants, loans, tax credits, or other forms of financial
36 assistance are provided. The director shall provide to the New
37 Jersey Economic Development Authority, upon request, such
38 information.
- 39 s. The furnishing by the director to the Commissioner of
40 Banking and Insurance of any information, including, but not
41 limited to, tax information statements, reports, audit files, returns,
42 or reports of any investigation for the purpose of assisting in
43 investigations pursuant to any insurance fraud investigation as
44 enumerated in P.L.1983, c.320 (C.17:33A-1 et seq.).
- 45 t. The furnishing by the director to the Commissioner of
46 Banking and Insurance or the Commissioner of Human Services of
47 any information contained in tax reports or returns for the purpose
48 of determining a taxpayer's eligibility for insurance affordability

1 assistance, the State Medicaid program, or the NJ FamilyCare
2 Program and to otherwise support minimum essential coverage
3 outreach and enrollment efforts.

4 (cf: P.L.2021, c.167, s.6)¹

5

6 11. This act shall take effect immediately.¹

7 a. (1)¹ Except as provided in paragraph (2) of this¹ subsection
8 b. of this section,¹ sections 2 through 6 of¹ this act shall take¹
9 effect immediately and¹ shall apply to returns filed for taxable
10 years beginning after December 31, 2020¹ 2022¹.

11 b.¹ (2)¹ If the State Treasurer determines, after consultation
12 with the Department of Banking and Insurance and the¹
13 Department of Labor and Workforce Development¹, that the
14 implementation of sections 2 through 6 of¹ this act is not
15 administratively feasible for taxable years beginning after
16 December 31, 2020¹ 2022¹, the Treasurer may delay
17 implementation of sections 2 through 6 of¹ this act to taxable¹
18 years beginning after December 31, 2021¹ begin as soon as feasible
19 thereafter.

20 b. (1) Except as provided in paragraph (2) of this subsection,
21 sections 7 and 8 of this act shall apply to claims filed after the first
22 day of the fifth month next following the date of enactment.

23 (2) If the Department of Labor and Workforce Development
24 determines, after consultation with the Department of Banking and
25 Insurance, that the implementation of sections 7 and 8 of this act is
26 not administratively feasible beginning after the first day of the fifth
27 month next following the date of enactment, the Department of
28 Labor and Workforce Development may delay implementation of
29 sections 7 and 8 of this act to begin as soon as feasible thereafter¹.

30

31

32

33

34 Establishes New Jersey Easy Enrollment Health Insurance
35 Program.

ASSEMBLY, No. 674

STATE OF NEW JERSEY

220th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2022 SESSION

Sponsored by:

Assemblyman ANTHONY S. VERRELLI

District 15 (Hunterdon and Mercer)

Assemblywoman ANGELA V. MCKNIGHT

District 31 (Hudson)

Assemblyman JOHN F. MCKEON

District 27 (Essex and Morris)

Co-Sponsored by:

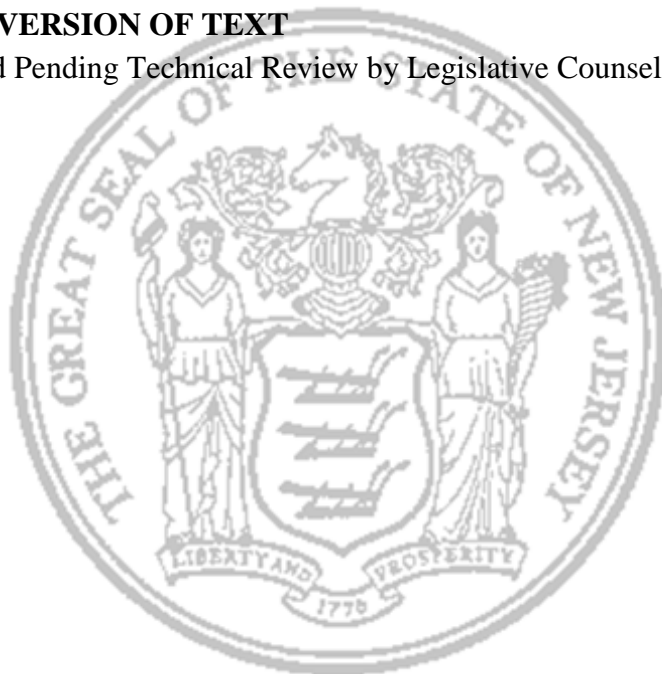
Assemblyman Benson, Assemblywoman Timberlake, Assemblyman Conaway, Assemblywomen Jasey, Swain, Assemblyman Tully, Assemblywomen Lopez and Reynolds-Jackson

SYNOPSIS

Establishes New Jersey Easy Enrollment Health Insurance Program.

CURRENT VERSION OF TEXT

Introduced Pending Technical Review by Legislative Counsel.



(Sponsorship Updated As Of: 2/3/2022)

1 AN ACT establishing the New Jersey Easy Enrollment Health
2 Insurance Program and supplementing P.L.2019, c.141
3 (C.17B:27A-57 et seq.).
4

5 **BE IT ENACTED** by the Senate and General Assembly of the State
6 of New Jersey:

7
8 1. As used in this act:

9 “Commissioner” means the Commissioner of Banking and
10 Insurance.

11 “Cost-sharing reduction” means a reduction described in Section
12 1402(c) of the Affordable Care Act.

13 “Department” means the Department of Banking and Insurance.

14 “Insurance affordability assistance” means:

15 (1) the State Medicaid program established pursuant to
16 P.L.1968, c.413 (C.30:4D-1 et seq.);

17 (2) the NJ FamilyCare Program established pursuant to
18 P.L.2005, c.156 (C.30:4J-8 et al.);

19 (3) premium tax credits; or

20 (4) cost-sharing reductions.

21 “Modified adjusted gross income” has the meaning stated in 42
22 U.S.C. s.1395r(i)(4)(A).

23 “Poverty line” has the meaning stated in 42 U.S.C.
24 s.1397jj(c)(5).

25 “Premium tax credits” means the tax credits described in section
26 36B of the Internal Revenue Code.

27 “Proactively contact” means an attempt by the program to reach
28 an individual by:

29 (1) making multiple attempts to contact the individual as
30 requested on a State income tax return in accordance with section 8
31 of this act;

32 (2) if the attempts described in paragraph (1) of this definition
33 do not successfully reach the individual or if no specific methods
34 for contacting the individual were requested, making multiple
35 attempts to contact the individual through telephonic and electronic
36 means; and

37 (3) if the attempts described in paragraphs (1) and (2) of this
38 definition do not successfully reach the individual to obtain the
39 requested information, sending paper forms or notices to the
40 individual by mail.

41 “Program” means the New Jersey Easy Enrollment Health
42 Insurance Program established pursuant to this act.

43 “Individual” means an individual under the age of 65 years who
44 is identified through a State income tax return under section 8 of
45 this act as not having minimum essential coverage.

46 “Workgroup” means the New Jersey Easy Enrollment Health
47 Insurance Program Advisory Workgroup established pursuant to
48 section 3 of this act.

1 2. a. The Department of Banking and Insurance shall establish
2 and have the authority to operate the New Jersey Easy Enrollment
3 Health Insurance Program. The department shall integrate the
4 program with the State-based exchange established pursuant to
5 P.L.2019, c.141 (C.17B:27A-57 et seq.), and may enter into an
6 agreement with a third-party for operation of the program. The
7 purpose of the program shall be to:

8 (1) establish a State-based reporting system to provide
9 information about the health insurance status of State residents
10 through the use of State income tax returns to identify individuals
11 without minimum essential coverage and determine whether the
12 individual is interested in obtaining minimum essential coverage;

13 (2) determine whether an individual who is interested in
14 obtaining minimum essential coverage qualifies for insurance
15 affordability assistance;

16 (3) proactively contact an individual who is interested in
17 obtaining minimum essential coverage to assist in enrolling the
18 individual in insurance affordability assistance and minimum
19 essential coverage; and

20 (4) maximize enrollment of eligible individuals in insurance
21 affordability assistance and minimum essential coverage to improve
22 access to care and reduce insurance costs for all residents of the
23 State.

24 b. The Commissioner of Banking and Insurance, the
25 Commissioner of Human Services, the Commissioner of Labor and
26 Workforce Development, and the State Treasurer shall develop and
27 implement systems, policies, and practices that encourage,
28 facilitate, and streamline determination of eligibility for insurance
29 affordability assistance and enrollment in minimum essential
30 coverage to achieve the purposes of the program.

31 c. To facilitate the most efficient implementation of the
32 program, the Commissioner of Banking and Insurance, the
33 Commissioner of Human Services, the Commissioner of Labor and
34 Workforce Development, and the State Treasurer may enter into
35 agreements, adopt regulations and guidelines, establish accounts,
36 conduct trainings, provide public information, educate tax
37 preparers, and take any other steps as may be necessary to
38 accomplish the purpose of the program.

39 d. Notwithstanding the provisions of subsection a. of
40 R.S.54:50-8 to the contrary, the State Treasurer may share with the
41 Commissioner of Banking and Insurance the taxpayer information
42 that is necessary for the purposes of this act.

43 e. The Commissioner of Human Services may pursue any
44 necessary waivers from the federal Department of Health and
45 Human Services in order to implement the provisions of this act.

46

47 3. a. The Commissioner of Banking and Insurance shall
48 establish a New Jersey Easy Enrollment Health Insurance Program

1 Advisory Workgroup to provide ongoing advice regarding the
2 implementation of the program.

3 b. The workgroup shall include representation from:

- 4 (1) the commissioner;
- 5 (2) consumer groups;
- 6 (3) employers;
- 7 (4) insurers;
- 8 (5) health care providers;
- 9 (6) navigators or other consumer assisters;
- 10 (7) insurance brokers or agents;
- 11 (8) labor organizations;
- 12 (9) income tax preparers;
- 13 (10) national policy experts;
- 14 (11) federally qualified health centers; and
- 15 (12) any other organizations or groups selected by the
16 commissioner.

17 c. The workgroup shall meet at least once every six months.

18 d. This section shall not be construed to prevent the
19 commissioner from convening other formal or informal working or
20 advisory groups to facilitate the implementation of the program.

21

22 4. a. The New Jersey Easy Enrollment Health Insurance
23 Program shall determine eligibility for insurance affordability
24 assistance as soon as possible after an individual files a State
25 income tax return on which the individual indicates pursuant to
26 paragraph (3) of subsection c. of section 8 of this act, that the
27 individual is seeking coverage.

28 b. (1) To the extent practicable, the program shall verify an
29 individual's eligibility for insurance affordability assistance with
30 information on a State income tax return and other data from third-
31 party data sources, including data described in section 1413 of the
32 Affordable Care Act or available pursuant to section 8 of this act,
33 without requesting additional information from the individual.

34 (2) If additional documentation from an individual is required to
35 establish eligibility for insurance affordability assistance, the
36 program shall take steps to limit the burden on the individual,
37 including:

38 (a) proactively contacting the individual who filed the tax return
39 or the individual;

40 (b) recording, by telephonic or electronic means, documentation
41 provided by the individual who filed the tax return or the
42 individual; and

43 (c) if the documentation required to determine eligibility is not
44 obtained using the steps described in subparagraphs (a) and (b) of
45 this paragraph, facilitating the selection of an authorized
46 representative for the individual.

47 c. (1) Before determining eligibility of an individual for
48 insurance affordability assistance, the program shall attempt to

1 verify the citizenship status of the individual and each household
2 member listed on the State income tax return, based on the
3 information available from the return and reliable third-party
4 sources of citizenship data.

5 (2) If the process described in paragraph (1) of this subsection
6 does not confirm that the individual and each household member
7 listed on the State income tax return is a United States citizen, the
8 program shall not seek additional verification or take other steps to
9 determine eligibility for insurance affordability assistance until the
10 individual provides affirmative consent using forms and procedures
11 approved by the program.

12 (3) The affirmative consent required under paragraph (2) of this
13 subsection may be satisfied through the procedures described in 42
14 U.S.C. s.1320b-7(d).

15 (4) If citizenship is not verified and affirmative consent is not
16 provided in accordance with paragraph (2) of this subsection, the
17 program shall not take any further steps to determine an individual's
18 eligibility for insurance affordability assistance.

19

20 5. a. The program shall make a determination of eligibility, in
21 accordance with section 4 of this act, for the State Medicaid
22 program or the NJ FamilyCare Program under this section, before
23 determining eligibility for any other insurance affordability
24 assistance.

25 b. (1) If an individual is determined to be eligible for the State
26 Medicaid program or the NJ FamilyCare Program, the procedures
27 described in this section and guidelines established by the
28 Department of Human Services, to implement this subsection shall
29 apply.

30 (2) If an individual fails to select a managed care organization
31 plan within a period of time established by the program, the
32 program may assign the individual to and promptly enroll the
33 individual in a managed care organization plan.

34 (3) Before the program assigns an individual to a managed care
35 organization plan, the individual shall receive:

36 (a) advance notice;

37 (b) an opportunity to select another managed care organization
38 plan within the period of time established by the program; and

39 (c) an opportunity to opt out of coverage.

40 c. The program may utilize any information provided to the
41 Department of Banking and Insurance or the Department of Human
42 Services in making determinations pursuant to this section.

43

44 6. a. If an individual is not determined to be eligible for the
45 State Medicaid program or the NJ FamilyCare Program pursuant to
46 section 5 of this act, the program shall determine, in accordance
47 with section 4 of this act, whether the individual is eligible for

1 premium tax credits or cost-sharing reductions as determined under
2 this section.

3 b. (1) A special enrollment period for the New Jersey
4 Individual Health Coverage Program shall begin on the date the
5 program sends notice of eligibility to the individual.

6 (2) The enrollment period described in this section shall last for
7 a period of time, to be determined by the Department of Banking
8 and Insurance before the start of the calendar year, that shall not be
9 shorter than 30 days.

10 c. (1) Information about the enrollment period described in
11 subsection b. of this section shall be communicated to the public
12 and affected individuals through measures that may include
13 language in the instructions for the State individual income tax
14 return, if inclusion of the language is approved by the State
15 Treasurer.

16 (2) The Department of Banking and Insurance shall conduct
17 outreach to individuals described in paragraph (1) of this
18 subsection, using methods that may include written notices and the
19 provision of individualized assistance by insurance agents and
20 brokers, navigators, tax preparers, and contractors and staff.

21 (3) Notwithstanding any other provision of this act, the
22 Department of Banking and Insurance may compensate an entity for
23 outreach described in paragraph (2) of this subsection in a manner
24 that reflects, in whole or in part, the number of individuals enrolled
25 under this section and section 4 of this act by that entity.

26
27 7. a. The Department of Banking and Insurance shall develop
28 data privacy and data security safeguards to govern the conveyance,
29 storage, and utilization of data under the program.

30 b. The safeguards developed under subsection a. of this section
31 shall ensure that the conveyance, storage, and utilization of data
32 under the program comply with applicable requirements of federal
33 and State law.

34
35 8. a. If a State income tax return indicates that an individual is
36 uninsured at the time the tax return is filed, consistent with the
37 provisions of P.L.2018, c.31 (C.54A:11-1 et seq.), the tax return
38 shall include the following information as to the uninsured
39 individual:

40 (1) the age of each individual;

41 (2) election by the individual filing the tax return of one of the
42 two checkoff boxes described in subsection c. of this section;

43 (3) if the individual who files a tax return chooses the checkoff
44 box described in paragraph (3) of subsection c. of this section, any
45 information determined by the program as essential to determining
46 eligibility for insurance affordability assistance, if the information:

47 (a) is not available from a reliable third-party data source;

48 (b) is not otherwise required to be provided on the return; and

1 (c) does not pertain to citizenship or immigration status; and
2 (4) notification of the potential waiver ¹of¹ the State shared
3 responsibility tax pursuant to subsection d. of this section.
4 b. For an individual who files a tax return and chooses the
5 checkoff box described in paragraph (3) of subsection c. of this
6 section, the return shall give the individual who filed the tax return
7 the option to indicate the individual's preferred method for the
8 program to contact the individual who filed the tax return to
9 facilitate either determination of eligibility for insurance
10 affordability assistance or enrollment in health coverage.
11 c. (1) In accordance with this section, the State Treasurer shall
12 include with the income tax return form a separate form that is
13 required only for individuals who file a tax return indicating that an
14 individual is uninsured at the time the tax return is filed.
15 (2) The separate form shall include two checkoff boxes as
16 described in paragraphs (3) and (4) of this subsection and the
17 information described in paragraphs (2) and (3) of subsection a. of
18 this section.
19 (3) One checkoff box shall give an individual who files a tax
20 return the choice to have the program:
21 (a) based on information in the individual's tax return,
22 determine the individual's eligibility for insurance affordability
23 assistance; and
24 (b) obtain additional data that may be relevant to determine the
25 individual's eligibility for insurance affordability assistance.
26 (4) One checkoff box shall allow an individual who files a tax
27 return the choice to not have the program make the determination
28 described in paragraph (3) of this subsection.
29 (5) The State Treasurer, in consultation with the Department of
30 Banking and Insurance and with the advice of the workgroup, shall:
31 (a) develop language for the checkoff boxes described in
32 paragraphs (3) and (4) of this subsection;
33 (b) develop language for the instructions for the State income
34 tax return that includes a description of the effects of choosing the
35 checkoff boxes described in paragraphs (3) and (4) of this
36 subsection, including the purposes for which the information
37 disclosed under this section may be used; and
38 (c) ensure that the language developed under subparagraph (a)
39 of this paragraph is as simple, clear, and easy to understand as
40 possible.
41 (6) If an individual who files a tax return makes the election
42 described in paragraph (3) of this subsection, the State Treasurer
43 shall convey to the program all insurance-relevant information
44 contained on the return.
45 d. The State Treasurer shall waive the State shared
46 responsibility tax imposed pursuant to section 3 of P.L.2018, c.31
47 (C.54A:11-3) for any taxpayer who chooses the checkoff box
48 described in paragraph (3) of subsection c. of this section. If the

1 taxpayer fails to enroll in health benefits coverage and maintain that
2 coverage in each month following the enrollment period, the
3 taxpayer shall be liable for any payments to which the taxpayer
4 would have otherwise been subject.

5 e. The State Treasurer shall coordinate the requirements of this
6 subsection with the requirements of the "New Jersey Health
7 Insurance Market Preservation Act," P.L.2018, c.31 (C.54A:11-
8 1 et seq.).
9

10 9. a. An individual that consents to share information through
11 the system established pursuant to section 10 of this act shall be
12 eligible for a special enrollment period pursuant to subsection b. of
13 this section. The program shall determine, in accordance with
14 sections 4 through 6 of this act, whether the individual is eligible
15 for the State Medicaid program or the NJ FamilyCare Program,
16 premium tax credits, or cost-sharing reductions.

17 b. (1) A special enrollment period for the New Jersey
18 Individual Health Coverage Program shall begin on the date the
19 program sends notice of eligibility to the individual.

20 (2) The enrollment period described in this section shall last for
21 a period of time, to be determined by the Department of Banking
22 and Insurance before the start of the calendar year, that shall not be
23 shorter than 30 days.

24 c. (1) The Department of Banking and Insurance shall conduct
25 outreach to affected individuals, using methods that may include
26 written notices and the provision of individualized assistance by
27 insurance agents and brokers, navigators, tax preparers, and
28 contractors and staff.

29 (2) Notwithstanding any other provision of this act, the
30 Department of Banking and Insurance may compensate an entity for
31 outreach described in paragraph (1) of this subsection in a manner
32 that reflects, in whole or in part, the number of individuals enrolled
33 under this section by that entity.
34

35 10. a. On or before September 1, 2021, the Department of Labor
36 and Workforce Development shall begin implementing a system
37 through which an individual who has filed a claim for
38 unemployment insurance benefits may consent, as part of a weekly
39 claim certification, to the sharing of relevant information collected
40 by the Department of Labor and Workforce Development with the
41 program, the State-based exchange established pursuant to
42 P.L.2019, c.141 (C.17B:27A-57 et seq.), the Department of Banking
43 and Insurance, and the Department of Human Services to determine
44 whether the individual qualifies for the State Medicaid program or
45 the NJ FamilyCare Program, or any other insurance affordability
46 assistance.

47 b. The Department of Labor and Workforce Development shall
48 enter into an agreement with the State-based exchange, the

1 Department of Banking and Insurance, and the Department of
2 Human Services, before the system described in subsection a. of
3 this section begins to operate, that enables the system to operate in
4 compliance with all applicable State and federal requirements
5 related to privacy, data security, and funding.

6 c. The consent request described in subsection a. of this section
7 shall be prominently placed on the weekly claim certification form,
8 in clear and understandable language that is easy to read.

9 d. The Department of Labor and Workforce Development shall
10 cooperate with the State-based exchange, the Department of
11 Banking and Insurance, and the Department of Human Services to
12 claim the maximum amount of available federal funding for the
13 establishment and operation of the system established pursuant to
14 this section.

15 e. To facilitate the most efficient implementation of the system,
16 the Commissioner of Banking and Insurance, the Commissioner of
17 Human Services, and the Commissioner of Labor and Workforce
18 Development may enter into agreements, adopt regulations and
19 guidelines, establish accounts, conduct trainings, provide public
20 information, educate tax preparers, and take any other steps as may
21 be necessary to accomplish the purpose of the system.

22

23 11. a. Except as provided in subsection b. of this section, this
24 act shall take effect immediately and shall apply to returns filed for
25 taxable years beginning after December 31, 2020.

26 b. If the State Treasurer determines, after consultation with the
27 Department of Banking and Insurance and the Department of Labor
28 and Workforce Development, that the implementation of this act is
29 not administratively feasible for taxable years beginning after
30 December 31, 2020, the Treasurer may delay implementation of this
31 act to taxable years beginning after December 31, 2021.

32

33

34

STATEMENT

35

36 This bill requires the Department of Banking and Insurance to
37 establish and operate the New Jersey Easy Enrollment Health
38 Insurance Program (the program). The department is required to
39 integrate the program with the State-based health insurance
40 exchange, and may enter into an agreement with a third-party for
41 operation of the program. The purpose of the program is to:

42 (1) establish a State-based reporting system to provide
43 information about the health insurance status of State residents
44 through the use of State income tax returns to identify individuals
45 and determine whether an individual is interested in obtaining
46 minimum essential coverage;

1 (2) determine whether an individual who is interested in
2 obtaining minimum essential coverage qualifies for insurance
3 affordability assistance;

4 (3) proactively contact an individual who is interested in
5 obtaining minimum essential coverage to assist in enrolling the
6 individual in insurance affordability assistance and minimum
7 essential coverage; and

8 (4) maximize enrollment of eligible individuals in insurance
9 affordability assistance and minimum essential coverage to improve
10 access to care and reduce insurance costs for all residents of the
11 State.

12 The bill requires the Commissioner of Banking and Insurance,
13 the Commissioner of Human Services, the Commissioner of Labor
14 and Workforce Development, and the State Treasurer to develop
15 and implement systems, policies, and practices that encourage,
16 facilitate, and streamline determination of eligibility for insurance
17 affordability assistance and enrollment in minimum essential
18 coverage to achieve the purposes of the program.

19 The bill requires the Commissioner of Banking and Insurance to
20 establish a New Jersey Easy Enrollment Health Insurance Program
21 Advisory Workgroup to provide ongoing advice regarding the
22 implementation of the program, which is to include representation
23 from various organizations. The workgroup is required to meet at
24 least once every six months.

25 The program is required to determine eligibility for insurance
26 affordability assistance as soon as possible after an individual files
27 a State income tax return on which the individual indicates that the
28 individual is seeking health benefits coverage.

29 To the extent practicable, the program must verify an individual's
30 eligibility for insurance affordability assistance with information on
31 a State income tax return and other data from third-party data
32 sources, without requesting additional information from the
33 individual.

34 The bill provides that if additional documentation from an
35 individual is required to establish eligibility for insurance
36 affordability assistance, the program must take certain steps to limit
37 the burden on the individual.

38 Before determining eligibility of an individual for insurance
39 affordability assistance, the program is required to attempt to verify
40 the citizenship status of the individual and each household member
41 listed on the State income tax return, based on the information
42 available from the return and reliable third-party sources of
43 citizenship data. If this process does not confirm that the individual
44 and each household member listed on the State income tax return is
45 a United States citizen, the program may not seek additional
46 verification or take other steps to determine eligibility for or enroll
47 the individual in insurance affordability assistance until the

1 individual provides affirmative consent using forms and procedures
2 approved by the program.

3 If citizenship is not verified and affirmative consent is not
4 provided in accordance with the bill, the program may not take any
5 further steps to determine an individual's eligibility for or enroll an
6 individual in insurance affordability assistance.

7 The bill requires the program to make a determination of
8 eligibility for the State Medicaid program or the NJ FamilyCare
9 Program before determining eligibility for any other insurance
10 affordability assistance. If an individual is determined to be eligible
11 for the State Medicaid program or the NJ FamilyCare Program, the
12 procedures described in the bill and the guidelines established by
13 the program to implement the bill apply.

14 If an individual fails to select a managed care organization plan
15 within a period of time established by the program, the program
16 may assign the individual to and promptly enroll the individual in a
17 managed care organization plan.

18 Before an individual is assigned to a managed care organization
19 plan, the individual is required to receive advance notice, an
20 opportunity to select another managed care organization plan, and
21 an opportunity to opt out of coverage.

22 If an individual is determined to not be eligible for the State
23 Medicaid program or the NJ FamilyCare Program, the program is
24 required to determine whether the individual is eligible for premium
25 tax credits or cost-sharing reductions.

26 The bill provides that a special enrollment period for the New
27 Jersey Individual Health Coverage Program will begin on the date
28 the program sends notice of eligibility to the individual. The
29 enrollment period is to last for a period of time, to be determined by
30 the program before the start of the calendar year, that is not to be
31 shorter than 30 days.

32 Information about the enrollment period described in the bill
33 must be communicated to the public and affected individuals
34 through measures that may include language in the instructions for
35 the State individual income tax return, if inclusion of the language
36 is approved by the State Treasurer.

37 The bill requires the Department of Banking and Insurance to
38 develop data privacy and data security safeguards to govern the
39 conveyance, storage, and utilization of data under the program.

40 The bill requires the State Treasurer to include on the individual
41 income tax return form a checkoff box for indicating whether the
42 individual, or each spouse in the case of a joint return, and any
43 individual claimed as a dependent on the tax return is uninsured at
44 the time the tax return is filed.

45 The bill requires the State Treasurer to include with the income
46 tax return form a separate form that is required only for individuals
47 who file a tax return indicating that an individual is uninsured at the
48 time the tax return is filed.

1 The form is required to include two checkoff boxes. One
2 checkoff box shall give an individual who files a tax return the
3 choice to have the program determine the individual's eligibility for
4 insurance affordability assistance, and obtain additional data that
5 may be relevant to determine the individual's eligibility for
6 insurance affordability assistance. The other checkoff box shall
7 allow an individual who files a tax return the choice to not have the
8 program make that determination.

9 The bill requires the State Treasurer to waive the State shared
10 responsibility tax for any taxpayer who chooses the checkoff box
11 indicating the taxpayer wishes the program to determine the
12 individual's eligibility for insurance affordability assistance. If the
13 taxpayer fails to enroll in health benefits coverage and maintain that
14 coverage in each month following the enrollment period, the
15 taxpayer is liable for any payments to which the taxpayer would
16 have otherwise been subject.

17 The bill requires the Department of Labor and Workforce
18 Development to implement, and an individual who has filed a claim
19 for unemployment insurance benefits to consent to participate in, a
20 system to share relevant information collected by the department
21 with the program, the State-based exchange established pursuant to
22 P.L.2019, c.141 (C.17B:27A-57 et seq.), the Department of Banking
23 and Insurance, and the Department of Human Services to determine
24 whether the individual qualifies for the State Medicaid program or
25 the NJ FamilyCare Program, or any other insurance affordability
26 assistance. An individual who consents to participation in such a
27 system is also eligible for a special enrollment period for the New
28 Jersey Individual Health Coverage Program.

29 The bill takes effect immediately and applies to tax returns filed
30 for taxable years beginning after December 31, 2020, unless the
31 State Treasurer determines, after consultation with the Department
32 of Banking and Insurance and the Department of Labor and
33 Workforce Development, that the implementation of the bill is not
34 administratively feasible for taxable years beginning after
35 December 31, 2020, in which case the Treasurer may delay
36 implementation to taxable years beginning after December 31,
37 2021.

ASSEMBLY FINANCIAL INSTITUTIONS AND INSURANCE
COMMITTEE

STATEMENT TO
ASSEMBLY, No. 674

with committee amendments

STATE OF NEW JERSEY

DATED: FEBRUARY 3, 2022

The Assembly Financial Institutions and Insurance Committee reports favorably and with committee amendments Assembly Bill No. 674.

This bill requires the Department of Banking and Insurance (the department) to establish and operate the New Jersey Easy Enrollment Health Insurance Program (the program). The department is required to integrate the program with the State-based health insurance exchange, and may enter into an agreement with a third-party for operation of the program. The purpose of the program is to:

(1) establish a State-based reporting system to provide information about the health insurance status of State residents through the use of State income tax returns and approved eFile vendors to identify individuals and determine whether an individual is interested in obtaining minimum essential coverage;

(2) determine or assess, as feasible, whether an individual who is interested in obtaining minimum essential coverage qualifies for insurance affordability assistance;

(3) proactively contact an individual who is interested in obtaining minimum essential coverage to assist in enrolling the individual in insurance affordability assistance and minimum essential coverage; and

(4) maximize enrollment of eligible individuals in insurance affordability assistance and minimum essential coverage to improve access to care and reduce insurance costs for all residents of the State.

The bill requires the Commissioner of Banking and Insurance, in coordination with the Commissioner of Human Services, the Commissioner of Labor and Workforce Development, and the State Treasurer to develop and implement systems, policies, and practices that encourage, facilitate, and streamline determination of eligibility for insurance affordability assistance and enrollment in minimum essential coverage to achieve the purposes of the program.

The department is required to assess or determine, as appropriate, eligibility for insurance affordability assistance as soon as possible after an individual files a State income tax return on which the

individual indicates that the individual or another individual indicated on the tax return is seeking health benefits coverage.

To the extent practicable, the department may verify an individual's eligibility for insurance affordability assistance with information on a State income tax return and other data from third-party data sources, without requesting additional information from the individual.

The bill provides that, if additional documentation from an individual is required to establish eligibility for insurance affordability assistance, the department must take certain steps to obtain the information while limiting the burden on the individual.

Under the bill, the department is permitted to make, or refer to the Department of Human Services to make, an assessment or determination, as appropriate, of eligibility for the State Medicaid program or the NJ FamilyCare Program. The department may utilize and share with the Department of Human Services any information provided to the department in making assessments or determinations.

The bill provides that the department is to establish a special enrollment period for the New Jersey individual health insurance market to facilitate the objectives of the program. The enrollment period is to last for a period of time, to be determined by the department, that is not to be shorter than 30 days.

Information about the enrollment period described in the bill is to be communicated to the public and affected individuals through measures that may include language in the instructions for the State individual income tax return, if inclusion of the language is approved by the State Treasurer.

The bill requires the department to develop data privacy and data security safeguards to govern the conveyance, storage, and utilization of data under the program.

The bill requires the State Treasurer to include on the individual income tax return form a checkoff box for indicating whether the individual, and any individual claimed as a dependent on the tax return, is not covered under minimum essential coverage at the time the tax return is filed.

The bill requires the State Treasurer to include with the income tax return form a separate form that is required only for individuals who file a tax return indicating that an individual is not covered under minimum essential coverage at the time the tax return is filed.

The separate form is required to include two checkoff boxes. One checkoff box is to give an individual who files a tax return the choice to have the department determine eligibility for insurance affordability assistance for the individual filing the tax return and any other individual included in that tax return who does not have minimum essential coverage, and obtain additional data that may be relevant to that determination. The other checkoff box is to allow an individual who files a tax return the choice to not have the department make that

determination for the individual filing the tax return and any other individual included in the tax return who does not have minimum essential coverage.

The bill requires the State Treasurer to waive the State shared responsibility tax applicable to months of the year that the tax return is filed for any taxpayer who chooses the checkoff box indicating the taxpayer wishes the department to determine the individual's eligibility for insurance affordability assistance. If the taxpayer fails to enroll in minimum essential coverage and maintain that coverage in each month following the enrollment period, the taxpayer is liable for any payments to which the taxpayer would have otherwise been subject.

The bill requires the Department of Labor and Workforce Development to implement a system through which an individual who has filed a claim for unemployment insurance benefits may, as part of the claim filing application, indicate that the individual is interested in obtaining minimum essential coverage and consent to participate to the sharing of relevant information collected by the Department of Labor and Workforce Development with the Department of Banking and Insurance, and the Department of Human Services to determine whether the individual qualifies for the State Medicaid program or the NJ FamilyCare Program, or any other insurance affordability assistance and to support minimum essential coverage outreach and enrollment efforts.

The bill takes effect immediately and applies to tax returns filed for taxable years beginning after December 31, 2022, unless the State Treasurer determines, after consultation with the Department of Banking, that the implementation of the certain provisions of the bill is not administratively feasible for taxable years beginning after December 31, 2022, in which case the Treasurer may delay implementation to begin as soon as feasible thereafter.

This bill was pre-filed for introduction in the 2022-2023 session pending technical review. As reported, the bill includes the changes required by technical review, which has been performed.

COMMITTEE AMENDMENTS:

The committee amended the bill to:

(1) make the Department of Banking and Insurance responsible for the administration of the New Jersey Easy Enrollment Health Insurance Program;

(2) remove from the bill provisions concerning the New Jersey Easy Enrollment Health Insurance Program Advisory Workgroup;

(3) remove from the bill certain provisions concerning the collection of additional documentation to verify an individual's eligibility;

(4) allow the Department of Banking and Insurance to make, or refer to the Department of Human services to make, an assessment or

determination, as appropriate, of eligibility for the State Medicaid program or the NJ FamilyCare Program;

(5) make certain changes concerning the checkoff box forms to be included with tax returns; and

(6) make certain changes to the effective date.

ASSEMBLY OVERSIGHT, REFORM AND FEDERAL
RELATIONS COMMITTEE

STATEMENT TO

[First Reprint]

ASSEMBLY, No. 674

STATE OF NEW JERSEY

DATED: JUNE 2, 2022

The Assembly Oversight, Reform and Federal Relations Committee reports favorably Assembly Bill No. 674 (1R).

This bill requires the Department of Banking and Insurance (the department) to establish and operate the New Jersey Easy Enrollment Health Insurance Program (the program). The department is required to integrate the program with the State-based health insurance exchange, and may enter into an agreement with a third-party for operation of the program. The purpose of the program is to:

(1) establish a State-based reporting system to provide information about the health insurance status of State residents through the use of State income tax returns and approved eFile vendors to identify individuals and determine whether an individual is interested in obtaining minimum essential coverage;

(2) determine or assess, as feasible, whether an individual who is interested in obtaining minimum essential coverage qualifies for insurance affordability assistance;

(3) proactively contact an individual who is interested in obtaining minimum essential coverage to assist in enrolling the individual in insurance affordability assistance and minimum essential coverage; and

(4) maximize enrollment of eligible individuals in insurance affordability assistance and minimum essential coverage to improve access to care and reduce insurance costs for all residents of the State.

The bill requires the Commissioner of Banking and Insurance, in coordination with the Commissioner of Human Services, the Commissioner of Labor and Workforce Development, and the State Treasurer to develop and implement systems, policies, and practices that encourage, facilitate, and streamline determination of eligibility for insurance affordability assistance and enrollment in minimum essential coverage to achieve the purposes of the program.

The department is required to assess or determine, as appropriate, eligibility for insurance affordability assistance as soon as possible after an individual files a State income tax return on which the individual indicates that the individual or another individual indicated on the tax return is seeking health benefits coverage.

To the extent practicable, the department may verify an individual's eligibility for insurance affordability assistance with information on a State income tax return and other data from third-party data sources, without requesting additional information from the individual.

The bill provides that, if additional documentation from an individual is required to establish eligibility for insurance affordability assistance, the department must take certain steps to obtain the information while limiting the burden on the individual.

Under the bill, the department is permitted to make, or refer to the Department of Human Services to make, an assessment or determination, as appropriate, of eligibility for the State Medicaid program or the NJ FamilyCare Program. The department may utilize and share with the Department of Human Services any information provided to the department in making assessments or determinations.

The bill provides that the department is to establish a special enrollment period for the New Jersey individual health insurance market to facilitate the objectives of the program. The enrollment period is to last for a period of time, to be determined by the department, that is not to be shorter than 30 days.

Information about the enrollment period described in the bill is to be communicated to the public and affected individuals through measures that may include language in the instructions for the State individual income tax return, if inclusion of the language is approved by the State Treasurer.

The bill requires the department to develop data privacy and data security safeguards to govern the conveyance, storage, and utilization of data under the program.

The bill requires the State Treasurer to include on the individual income tax return form a checkoff box for indicating whether the individual, and any individual claimed as a dependent on the tax return, is not covered under minimum essential coverage at the time the tax return is filed.

The bill requires the State Treasurer to include with the income tax return form a separate form that is required only for individuals who file a tax return indicating that an individual is not covered under minimum essential coverage at the time the tax return is filed.

The separate form is required to include two checkoff boxes. One checkoff box is to give an individual who files a tax return the choice to have the department determine eligibility for insurance affordability assistance for the individual filing the tax return and any other individual included in that tax return who does not have minimum essential coverage, and obtain additional data that may be relevant to that determination. The other checkoff box is to allow an individual who files a tax return the choice to not have the department make that determination for the individual filing the tax return and any other

individual included in the tax return who does not have minimum essential coverage.

The bill requires the State Treasurer to waive the State shared responsibility tax applicable to months of the year that the tax return is filed for any taxpayer who chooses the checkoff box indicating the taxpayer wishes the department to determine the individual's eligibility for insurance affordability assistance. If the taxpayer fails to enroll in minimum essential coverage and maintain that coverage in each month following the enrollment period, the taxpayer is liable for any payments to which the taxpayer would have otherwise been subject.

The bill requires the Department of Labor and Workforce Development to implement a system through which an individual who has filed a claim for unemployment insurance benefits may, as part of the claim filing application, indicate that the individual is interested in obtaining minimum essential coverage and consent to participate to the sharing of relevant information collected by the Department of Labor and Workforce Development with the Department of Banking and Insurance, and the Department of Human Services to determine whether the individual qualifies for the State Medicaid program or the NJ FamilyCare Program, or any other insurance affordability assistance and to support minimum essential coverage outreach and enrollment efforts.

The bill takes effect immediately and applies to tax returns filed for taxable years beginning after December 31, 2022, unless the State Treasurer determines, after consultation with the Department of Banking, that the implementation of the certain provisions of the bill is not administratively feasible for taxable years beginning after December 31, 2022, in which case the Treasurer may delay implementation to begin as soon as feasible thereafter.

LEGISLATIVE FISCAL ESTIMATE

[First Reprint]

ASSEMBLY, No. 674

STATE OF NEW JERSEY 220th LEGISLATURE

DATED: JUNE 16, 2022

SUMMARY

- Synopsis:** Establishes New Jersey Easy Enrollment Health Insurance Program.
- Type of Impact:** Potential State expenditure increase; potential decrease in revenue to the New Jersey Health Insurance Premium Security Fund.
- Agencies Affected:** Department of Banking and Insurance; Department of Labor and Workforce Development; Department of the Treasury; Department of Human Services.

Office of Legislative Services Estimate

Fiscal Impact	<u>Annual</u>
Potential State Expenditure Increase	Indeterminate
Potential State Revenue Decrease	Indeterminate

- The Office of Legislative Services (OLS) notes that, if enacted, the bill will potentially result in an indeterminate increase in State administrative expenditures tied to the Department of Banking and Insurance's (DOBI) requirement to implement the New Jersey Easy Enrollment Health Insurance Program. Absent information from the DOBI, however, the OLS cannot anticipate the resources the department would allocate or whether it would enter into an agreement with a third party for purposes of operating the program. Potential additional administrative expenditures may be realized by the development and implementation of systems, policies, and practices that encourage, facilitate, and streamline determination of eligibility for insurance affordability assistance and enrollment in minimum essential coverage by the departments affected by the bill.
- The OLS further notes that, if enacted, the bill may result in an annual indeterminate decrease in revenue to the New Jersey Health Insurance Premium Security Fund equal to the amounts of State shared responsibility tax waived by the State Treasurer for any taxpayer who chooses the checkoff box indicating the taxpayer wishes the program to determine the individual's eligibility for insurance affordability assistance.

BILL DESCRIPTION

This bill requires the DOBI to establish and operate the New Jersey Easy Enrollment Health Insurance Program. The department is required to integrate the program with the State-based health insurance exchange, and may enter into an agreement with a third-party for operation of the program. The purpose of the program is to:

(1) establish a State-based reporting system to provide information about the health insurance status of State residents through the use of State income tax returns and approved eFile vendors to identify individuals and determine whether an individual is interested in obtaining minimum essential coverage;

(2) determine or assess, as feasible, whether an individual who is interested in obtaining minimum essential coverage qualifies for insurance affordability assistance;

(3) proactively contact an individual who is interested in obtaining minimum essential coverage to assist in enrolling the individual in insurance affordability assistance and minimum essential coverage; and

(4) maximize enrollment of eligible individuals in insurance affordability assistance and minimum essential coverage to improve access to care and reduce insurance costs for all residents of the State.

The bill requires the DOBI, in coordination with the Departments of Human Services, Labor and Workforce Development, and the Treasury to develop and implement systems, policies, and practices that encourage, facilitate, and streamline determination of eligibility for insurance affordability assistance and enrollment in minimum essential coverage to achieve the purposes of the program. The bill also includes several other provisions regarding eligibility assessment and determination.

The bill requires the DOBI to establish a special enrollment period for the New Jersey individual health insurance market to facilitate the objectives of the program, and to communicate this information to the public and affected individuals.

The bill also requires the DOBI to develop data privacy and data security safeguards to govern the conveyance, storage, and utilization of data under the program.

The bill requires the Department of the Treasury to include on the individual income tax return form a checkoff box for indicating whether the individual, and any individual claimed as a dependent on the tax return, is not covered under minimum essential coverage at the time the tax return is filed.

The bill also requires the Department of the Treasury to include with the income tax return form a separate form that is required only for individuals who file a tax return indicating that an individual is not covered under minimum essential coverage at the time the tax return is filed. The separate form is required to include two checkoff boxes. One checkoff box is to give an individual who files a tax return the choice to have the department determine eligibility for insurance affordability assistance for the individual filing the tax return and any other individual included in that tax return who does not have minimum essential coverage, and obtain additional data that may be relevant to that determination. The other checkoff box is to allow an individual who files a tax return the choice to not have the department make that determination for the individual filing the tax return and any other individual included in the tax return who does not have minimum essential coverage.

Under the bill, the Department of the Treasury is to waive the State shared responsibility tax applicable to months of the year that the tax return is filed for any taxpayer who chooses the checkoff box indicating the taxpayer wishes the DOBI to determine the individual's eligibility for insurance affordability assistance. If the taxpayer fails to enroll in minimum essential coverage and maintain that coverage in each month following the enrollment period,

the taxpayer is liable for any payments to which the taxpayer would have otherwise been subject.

The bill requires the Department of Labor and Workforce Development to implement a system through which an individual who has filed a claim for unemployment insurance benefits may, as part of the claim filing application, indicate that the individual is interested in obtaining minimum essential coverage and consent to participate to the sharing of relevant information collected by the Department of Labor and Workforce Development with the DOBI, and the Department of Human Services to determine whether the individual qualifies for the State Medicaid program or the NJ FamilyCare Program, or any other insurance affordability assistance and to support minimum essential coverage outreach and enrollment efforts.

The bill takes effect immediately and applies to tax returns filed for taxable years beginning after December 31, 2022, unless the State Treasurer determines, after consultation with the DOBI, that the implementation of the certain provisions of the bill is not administratively feasible for taxable years beginning after December 31, 2022, in which case the Treasurer may delay implementation to begin as soon as feasible thereafter.

FISCAL ANALYSIS

EXECUTIVE BRANCH

None received.

OFFICE OF LEGISLATIVE SERVICES

The OLS notes that the bill, if enacted, will potentially result in an indeterminate increase in State administrative expenditures tied to the DOBI's implementation of the program. Absent information from the DOBI, however, the OLS cannot anticipate the resources, if any, the DOBI would allocate or whether it would enter into an agreement with a third party for purposes of operating the program. Potential additional administrative expenditures may be realized by the development and implementation of systems, policies, and practices that would encourage, facilitate, and streamline determination of eligibility for insurance affordability assistance and enrollment in minimum essential coverage by the departments.

The OLS further notes that, if enacted, the bill may result in annual indeterminate decrease in revenue to the New Jersey Health Insurance Premium Security Fund equal to the amounts of State shared responsibility tax waived by the Department of the Treasury for any taxpayer who chooses the checkoff box indicating the taxpayer wishes the program to determine the individual's eligibility for insurance affordability assistance. The "Supplementary Information" section in the FY 2023 Governor's Budget, available online, indicates that the total estimated revenue from the State shared responsibility tax for fiscal years 2022 and 2023 will be \$44.6 million for each year. For purposes of illustration, the following were ranges of the State shared responsibility tax payments collected for the 2021 tax year:

Individual taxpayer:

- Minimum: \$695
- Maximum: \$3,492

Family with two adults and three dependents and household income of \$200,000 or below:

- Minimum: \$2,351

- Maximum: \$4,500

Family with two adults and three dependents and household income of \$200,001 to \$400,000:

- Minimum: \$2,351
- Maximum: \$9,500

Family with two adults and three dependents and household income of \$400,001 and above:

- Minimum: \$2,351
- Maximum: \$17,460

The OLS also notes that there may be a potential indeterminate annual reduction in State charity care disbursements to hospitals, but only if the bill results in more people who would otherwise go uninsured enrolling in and maintaining health benefits coverage. In this scenario, hospitals would likely have reduced outstanding uncompensated care liabilities, and the State can reduce charity care payments to hospitals.

Section: Commerce, Labor and Industry
Analyst: Juan C. Rodriguez
Senior Fiscal Analyst
Approved: Thomas Koenig
Legislative Budget and Finance Officer

This legislative fiscal estimate has been produced by the Office of Legislative Services due to the failure of the Executive Branch to respond to our request for a fiscal note.

This fiscal estimate has been prepared pursuant to P.L.1980, c.67 (C.52:13B-6 et seq.).

SENATE, No. 1646

STATE OF NEW JERSEY 220th LEGISLATURE

INTRODUCED FEBRUARY 14, 2022

Sponsored by:

Senator M. TERESA RUIZ

District 29 (Essex)

Senator NELLIE POU

District 35 (Bergen and Passaic)

Co-Sponsored by:

Senator Gill

SYNOPSIS

Establishes New Jersey Easy Enrollment Health Insurance Program.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 3/24/2022)

1 AN ACT establishing the New Jersey Easy Enrollment Health
2 Insurance Program, supplementing and amending P.L.2019,
3 c.141, and amending R.S.54:50-9.

4
5 **BE IT ENACTED** by the Senate and General Assembly of the State
6 of New Jersey:

7
8 1. As used in this act:

9 “Commissioner” means the Commissioner of Banking and
10 Insurance.

11 “Department” means the Department of Banking and Insurance.

12 “Insurance affordability assistance” means:

13 (1) the State Medicaid program established pursuant to
14 P.L.1968, c.413 (C.30:4D-1 et seq.);

15 (2) the NJ FamilyCare Program established pursuant to
16 P.L.2005, c.156 (C.30:4J-8 et al.);

17 (3) premium tax credits; or

18 (4) cost-sharing reductions.

19 “Premium tax credits” means the tax credits described in section
20 36B of the Internal Revenue Code.

21 “Program” means the New Jersey Easy Enrollment Health
22 Insurance Program established pursuant to this act.

23 “Individual” means an individual who is identified through a
24 State income tax return under section 6 of this act as not having
25 minimum essential coverage.

26

27 2. a. The Department of Banking and Insurance shall establish
28 and have the authority to operate the New Jersey Easy Enrollment
29 Health Insurance Program. The department shall integrate the
30 program with the State-based exchange established pursuant to
31 P.L.2019, c.141 (C.17B:27A-57 et seq.), and may enter into an
32 agreement with a third-party for operation of the program. The
33 purpose of the program shall be to:

34 (1) establish a State-based reporting system to provide
35 information about the health insurance status of State residents
36 through the use of State income tax returns and approved eFile
37 vendors to identify individuals without minimum essential coverage
38 and determine whether the individual is interested in obtaining
39 minimum essential coverage;

40 (2) determine or assess, as feasible, whether an individual who
41 is interested in obtaining minimum essential coverage qualifies for
42 insurance affordability assistance;

43 (3) proactively contact an individual who is interested in
44 obtaining minimum essential coverage to assist in enrolling the

EXPLANATION – Matter enclosed in bold-faced brackets **[thus]** in the above bill is not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

1 individual in insurance affordability assistance and minimum
2 essential coverage; and

3 (4) maximize enrollment of eligible individuals in insurance
4 affordability assistance and minimum essential coverage to improve
5 access to care and reduce insurance costs for all residents of the
6 State.

7 b. The Commissioner of Banking and Insurance, in
8 coordination with the Commissioner of Human Services, the
9 Commissioner of Labor and Workforce Development, and the State
10 Treasurer, shall develop and implement systems, policies, and
11 practices that encourage, facilitate, and streamline determination of
12 eligibility for insurance affordability assistance and enrollment in
13 minimum essential coverage to achieve the purposes of the
14 program.

15 c. To facilitate the most efficient implementation of the
16 program, the Commissioner of Banking and Insurance, the
17 Commissioner of Human Services, the Commissioner of Labor and
18 Workforce Development, and the State Treasurer may enter into
19 agreements, adopt regulations and guidelines, establish accounts,
20 conduct trainings, provide public information, educate tax
21 preparers, and take any other steps as may be necessary to
22 accomplish the purpose of the program.

23 d. Notwithstanding the provisions of subsection a. of
24 R.S.54:50-8 to the contrary, the State Treasurer shall share with the
25 Commissioner of Banking and Insurance the taxpayer information
26 that is necessary for the purposes of this act and P.L.2018, c.31
27 (C.54A:11-1 et seq.).

28 e. The Commissioners of Human Services and Banking and
29 Insurance shall apply and secure any State plan amendments or
30 necessary waivers from the federal Department of Health and
31 Human Services in order to implement the provisions of this act.

32

33 3. a. The Department of Banking and Insurance may assess or
34 determine, as appropriate, eligibility for insurance affordability
35 assistance as soon as possible after an individual files a State
36 income tax return on which the individual indicates pursuant to
37 paragraph (3) of subsection c. of section 6 of this act, that the
38 individual or another individual indicated on the tax return is
39 seeking coverage.

40 b. (1) To the extent practicable, the department may verify an
41 individual's eligibility for insurance affordability assistance with
42 information on a State income tax return and other data from third-
43 party data sources, including data described in section 1413 of the
44 Affordable Care Act or available pursuant to section 6 of this act,
45 without requesting additional information from the individual.

46 (2) If additional documentation from an individual is required to
47 establish eligibility for insurance affordability assistance, the

1 department shall take steps to obtain such information while
2 limiting the burden on the individual.

3 c. The Department of Banking and Insurance may make, or
4 refer to the Department of Human Services to make, an assessment
5 or determination, as appropriate, of eligibility for the State
6 Medicaid program or the NJ FamilyCare Program. The Department
7 of Banking and Insurance may utilize and share with the
8 Department of Human Services any information provided to the
9 Department of Banking and Insurance in making assessments or
10 determinations pursuant to this subsection.

11

12 4. a. The Department of Banking and Insurance shall establish
13 a special enrollment period for the New Jersey individual health
14 insurance market to facilitate the objectives of the program.

15 The enrollment period described in this section shall last for a
16 period of time, to be determined by the Department of Banking and
17 Insurance, that shall not be shorter than 30 days.

18 b. Information about the enrollment period described in
19 subsection a. of this section shall be communicated to the public
20 and affected individuals through measures that may include
21 language in the instructions for the State individual income tax
22 return, if inclusion of the language is approved by the State
23 Treasurer.

24 c. The Department of Banking and Insurance shall conduct
25 outreach to individuals described in subsection b. of this section,
26 using methods that may include written notices and the provision of
27 individualized assistance by insurance agents and brokers,
28 navigators, tax preparers, and contractors and staff.

29 Notwithstanding any other provision of this act, the Department
30 of Banking and Insurance may compensate an entity for outreach
31 described in this subsection in a manner that reflects, in whole or in
32 part, the number of individuals enrolled under this section and
33 section 3 of this act by that entity or any other reasonable manner.

34

35 5. a. The Department of Banking and Insurance shall develop
36 data privacy and data security safeguards to govern the conveyance,
37 storage, and utilization of data under the program.

38 b. The safeguards developed under subsection a. of this section
39 shall ensure that the conveyance, storage, and utilization of data
40 under the program comply with applicable requirements of federal
41 and State law.

42

43 6. a. If a State income tax return indicates that an individual is
44 not covered under minimum essential coverage at the time the tax
45 return is filed, consistent with the provisions of P.L.2018, c.31
46 (C.54A:11-1 et seq.), the tax return shall include the following
47 information as to each such individual included in the tax return:

48 (1) the age of each individual;

- 1 (2) election by the individual filing the tax return of one of the
2 two checkoff boxes described in subsection c. of this section for
3 each individual included in the tax return;
- 4 (3) if the individual who files a tax return chooses the checkoff
5 box described in paragraph (3) of subsection c. of this section, any
6 information determined by the department as essential to
7 determining eligibility for insurance affordability assistance for the
8 individual filing the tax return or any individual included in the tax
9 return, if the information:
- 10 (a) is not available from a reliable third-party data source;
11 (b) is not otherwise required to be provided on the return; and
12 (c) does not pertain to citizenship or immigration status; and
13 (4) notification of the potential waiver of the State shared
14 responsibility tax pursuant to subsection d. of this section.
- 15 b. For an individual who files a tax return and chooses the
16 checkoff box described in paragraph (3) of subsection c. of this
17 section, the return or separate form shall facilitate the collection of
18 contact information, including a phone number, electronic mail
19 address, and mailing address, from the individual who filed the tax
20 return and provide an option to indicate the individual's preferred
21 method for the department to contact the individual who filed the
22 tax return to facilitate either determination of eligibility for
23 insurance affordability assistance or enrollment in minimum
24 essential coverage.
- 25 c. (1) In accordance with this section, the State Treasurer shall
26 include with the income tax return form a separate form that is
27 required only for individuals who file a tax return indicating that an
28 individual included in the tax return is not covered under minimum
29 essential coverage at the time the tax return is filed.
- 30 (2) The separate form shall include two checkoff boxes as
31 described in paragraphs (3) and (4) of this subsection for each
32 individual included in the tax return and the information described
33 in paragraphs (2) and (3) of subsection a. and in subsection b. of
34 this section.
- 35 (3) One checkoff box shall give an individual who files a tax
36 return the choice to have the department:
- 37 (a) based on information in the individual's tax return,
38 determine eligibility for insurance affordability assistance for the
39 individual filing the tax return and any other individual included in
40 that tax return who does not have minimum essential coverage; and
41 (b) obtain additional data that may be relevant to determine
42 eligibility for insurance affordability assistance for the individual
43 filing the tax return and any other individual included in that tax
44 return who does not have minimum essential coverage.
- 45 (4) One checkoff box shall allow an individual who files a tax
46 return the choice to not have the department make the
47 determination described in paragraph (3) of this subsection for the

1 individual filing the tax return and any other individual included in
2 that tax return who does not have minimum essential coverage.

3 (5) The State Treasurer, in consultation with the Department of
4 Banking and Insurance, shall:

5 (a) develop language for the checkoff boxes described in
6 paragraphs (3) and (4) of this subsection;

7 (b) develop language for the instructions for the State income
8 tax return that includes a description of the effects of choosing the
9 checkoff boxes described in paragraphs (3) and (4) of this
10 subsection, including the purposes for which the information
11 disclosed under this section may be used; and

12 (c) ensure that the language developed under subparagraph (a)
13 of this paragraph is as simple, clear, and easy to understand as
14 possible.

15 (6) If an individual who files a tax return makes the election
16 described in paragraph (3) of this subsection, the State Treasurer
17 shall convey to the department all eligibility-relevant information
18 contained on the return for all individuals included in that tax
19 return.

20 d. The State Treasurer shall waive the State shared
21 responsibility tax imposed pursuant to section 3 of P.L.2018, c.31
22 (C.54A:11-3) applicable to months of the year that the tax return is
23 filed for any taxpayer who chooses the checkoff box described in
24 paragraph (3) of subsection c. of this section. If the taxpayer fails
25 to enroll in minimum essential coverage and maintain that coverage
26 in each month following the enrollment period, the taxpayer shall
27 be liable for any payments to which the taxpayer would have
28 otherwise been subject.

29 e. The State Treasurer shall coordinate the requirements of this
30 subsection with the requirements of the "New Jersey Health
31 Insurance Market Preservation Act," P.L.2018, c.31 (C.54A:11-
32 1 et seq.).

33

34 7. a. An individual that consents to share information through
35 the system established pursuant to section 8 of this act shall be
36 eligible for a special enrollment period pursuant to subsection b. of
37 this section. The Department of Banking and Insurance shall
38 determine, in accordance with sections 3 and 4 of this act, whether
39 the individual is eligible for the State Medicaid program or the NJ
40 FamilyCare Program, premium tax credits, or cost-sharing
41 reductions.

42 b. (1) The Department of Banking and Insurance shall establish
43 a special enrollment period for the New Jersey individual health
44 insurance market.

45 (2) The enrollment period described in this section shall last for
46 a period of time, to be determined by the Department of Banking
47 and Insurance, that shall not be shorter than 30 days.

1 c. The Department of Banking and Insurance shall conduct
2 outreach to affected individuals, using methods that may include
3 written notices and the provision of individualized assistance by
4 insurance agents and brokers, navigators, tax preparers, and
5 contractors and staff.

6
7 8. a. The Department of Labor and Workforce Development
8 shall implement a system through which an individual who has filed
9 a claim for unemployment insurance benefits may, as part of the
10 claim filing application, indicate that the individual is interested in
11 obtaining minimum essential coverage and consent to the sharing
12 of relevant information collected by the Department of Labor and
13 Workforce Development with the Department of Banking and
14 Insurance and the Department of Human Services to determine
15 whether the individual qualifies for the State Medicaid program or
16 the NJ FamilyCare Program, or any other insurance affordability
17 assistance and to support minimum essential coverage outreach and
18 enrollment efforts. If an individual indicates that the individual is
19 interested in obtaining minimum essential coverage and consents to
20 share information pursuant to this subsection, then the Department
21 of Labor and Workforce Development shall notify the Department
22 of Banking and Insurance, which may assess or determine, as
23 appropriate, eligibility for insurance affordability assistance or
24 make, or refer to the Department of Human Services to make, an
25 assessment or determination, as appropriate, of eligibility for the
26 State Medicaid program or the NJ FamilyCare Program.

27 b. The Department of Labor and Workforce Development shall
28 enter into an agreement with the Department of Banking and
29 Insurance and the Department of Human Services, before the
30 system described in subsection a. of this section begins to operate,
31 that enables the system to operate in compliance with all applicable
32 State and federal requirements related to privacy, data security, and
33 funding.

34 c. The consent request described in subsection a. of this section
35 shall be prominently placed on the claim filing application in clear
36 and understandable language that is easy to read.

37 d. The Department of Labor and Workforce Development shall
38 cooperate with the Department of Banking and Insurance and the
39 Department of Human Services to claim the maximum amount of
40 available federal funding for the establishment and operation of the
41 system established pursuant to this section.

42 e. To facilitate the most efficient implementation of the system,
43 the Commissioner of Banking and Insurance, the Commissioner of
44 Human Services, and the Commissioner of Labor and Workforce
45 Development may enter into agreements, adopt regulations and
46 guidelines, establish accounts, conduct trainings, provide public
47 information, educate tax preparers, and take any other steps as may
48 be necessary to accomplish the purpose of the system.

1 9. Section 2 of P.L.2019, c.141 (C.17B:27A-58) is amended to
2 read as follows:

3 2. a. Notwithstanding any other law to the contrary, the
4 Department of Banking and Insurance shall have the authority to
5 operate a State-based exchange and coordinate the operations of the
6 exchange with the operations of the New Jersey Individual Health
7 Coverage Program and the New Jersey Small Employer Health
8 Benefits Program, including reorganization of the boards, as the
9 commissioner deems appropriate. The department's authority to
10 regulate the insurance market shall be separate and distinct from the
11 department's duty to oversee exchange operations, to ensure the best
12 interests of and protection for consumers of the State. The
13 commissioner may require that all plans in the individual and small
14 employer markets be made available for comparison on the State-
15 based exchange, but nothing in this section shall allow the
16 commissioner to require all plans in the individual and small
17 employer markets to be purchased exclusively on the State-based
18 exchange. The department shall coordinate the operations of the
19 exchange with the operations of the State Medicaid program
20 established pursuant to P.L.1968, c.413 (C.30:4D-1 et seq.) and the
21 NJ FamilyCare Program established pursuant to P.L.2005, c.156
22 (C.30:4J-8 et al.) to determine eligibility for those programs as soon
23 as practicable.

24 b. The Commissioner of Human Services, in consultation with
25 the Commissioner of Banking and Insurance, shall submit a
26 proposal for available federal financial participation funds to the
27 Centers for Medicare & Medicaid Services of the U.S. Department
28 of Health and Human Services pursuant to 42 C.F.R. 433.112 for
29 the Medicaid eligibility platform and the exchange to be integrated.
30 Notwithstanding the foregoing, the Department of Banking and
31 Insurance may proceed to implement the provisions of this act,
32 including the operation of the State-based exchange.

33 c. The Commissioner of Banking and Insurance shall have the
34 authority to require that plans offered on the exchange conform
35 with standardized plan designs that provide for standardized cost-
36 sharing for covered health services.

37 d. The Commissioner of Banking and Insurance shall establish
38 an advisory committee to provide advice to the commissioner
39 concerning the operation of the exchange and the implementation of
40 the New Jersey Easy Enrollment Health Insurance Program
41 established pursuant to P.L. , c. (C.) (pending before the
42 Legislature as this bill). The advisory committee shall include at
43 least nine members, as follows:

44 (1) The Commissioner of Banking and Insurance, or a designee,
45 who shall serve ex-officio;

46 (2) The Commissioner of Human Services, or a designee, who
47 shall serve ex-officio;

1 (3) the Commissioner of Health, or a designee, who shall serve
2 ex-officio; and

3 (4) six public members, who shall be residents of the State,
4 appointed by the Commissioner of Banking and Insurance. Each
5 public member shall have demonstrated experience in one or more
6 of the following areas: health insurance consumer advocacy;
7 individual health insurance coverage; small employer health
8 insurance coverage; health benefits plan marketing; the provision of
9 health care services; or academic or professional research relating
10 to health insurance.

11 (cf: P.L.2019, c.141, s.2)

12

13 10. R.S.54:50-9 is amended to read as follows:

14 54:50-9. Nothing herein contained shall be construed to prevent:

15 a. The delivery to a taxpayer or the taxpayer's duly authorized
16 representative of a copy of any report or any other paper filed by
17 the taxpayer pursuant to the provisions of this subtitle or of any
18 such State tax law;

19 b. The publication of statistics so classified as to prevent the
20 identification of a particular report and the items thereof;

21 c. The director, in the director's discretion and subject to
22 reasonable conditions imposed by the director, from disclosing the
23 name and address of any licensee under any State tax law, unless
24 expressly prohibited by such State tax law;

25 d. The inspection by the Attorney General or other legal
26 representative of this State of the reports or files relating to the
27 claim of any taxpayer who shall bring an action to review or set
28 aside any tax imposed under any State tax law or against whom an
29 action or proceeding has been instituted in accordance with the
30 provisions thereof;

31 e. The examination of said records and files by the
32 Comptroller, State Auditor or State Commissioner of Finance, or by
33 their respective duly authorized agents;

34 f. The furnishing, at the discretion of the director, of any
35 information contained in tax reports or returns or any audit thereof
36 or the report of any investigation made with respect thereto, filed
37 pursuant to the tax laws, to the taxing officials of any other state,
38 the District of Columbia, the United States and the territories
39 thereof, providing said jurisdictions grant like privileges to this
40 State and providing such information is to be used for tax purposes
41 only;

42 g. The furnishing, at the discretion of the director, of any
43 material information disclosed by the records or files to any law
44 enforcing authority of this State who shall be charged with the
45 investigation or prosecution of any violation of the criminal
46 provisions of this subtitle or of any State tax law;

47 h. The furnishing by the director to the State agency
48 responsible for administering the Child Support Enforcement

1 program pursuant to Title IV-D of the federal Social Security Act,
2 Pub.L.93-647 (42 U.S.C. s.651 et seq.), with the names, home
3 addresses, social security numbers and sources of income and assets
4 of all absent parents who are certified by that agency as being
5 required to pay child support, upon request by the State agency and
6 pursuant to procedures and in a form prescribed by the director;

7 i. The furnishing by the director to the Board of Public
8 Utilities any information contained in tax information statements,
9 reports or returns or any audit thereof or a report of any
10 investigation made with respect thereto, as may be necessary for the
11 administration of P.L.1991, c.184 (C.54:30A-18.6 et al.) and
12 P.L.1997, c.162 (C.54:10A-5.25 et al.);

13 j. The furnishing by the director to the Director of the Division
14 of Alcoholic Beverage Control in the Department of Law and
15 Public Safety any information contained in tax information
16 statements, reports or returns or any audit thereof or a report of any
17 investigation made with respect thereto, as may be relevant, in the
18 discretion of the director, in any proceeding conducted for the
19 issuance, suspension or revocation of any license authorized
20 pursuant to Title 33 of the Revised Statutes;

21 k. The inspection by the Attorney General or other legal
22 representative of this State of the reports or files of any tobacco
23 product manufacturer, as defined in section 2 of P.L.1999, c.148
24 (C.52:4D-2), for any period in which that tobacco product
25 manufacturer was not or is not in compliance with subsection a. of
26 section 3 of P.L.1999, c.148 (C.52:4D-3), or of any licensed
27 distributor as defined in section 102 of P.L.1948, c.65 (C.54:40A-
28 2), for the purpose of facilitating the administration of the
29 provisions of P.L.1999, c.148 (C.52:4D-1 et seq.);

30 l. The furnishing, at the discretion of the director, of
31 information as to whether a contractor or subcontractor holds a
32 valid business registration as defined in section 1 of P.L.2001, c.134
33 (C.52:32-44);

34 m. The furnishing by the director to a State agency as defined in
35 section 1 of P.L.1995, c.158 (C.54:50-24) the names of licensees
36 subject to suspension for non-payment of State tax indebtedness
37 pursuant to P.L.2004, c.58 (C.54:50-26.1 et al.);

38 n. The release to the United States Department of the Treasury,
39 Bureau of Financial Management Service, or its successor of
40 relevant taxpayer information for purposes of implementing a
41 reciprocal collection and offset of indebtedness agreement entered
42 into between the State of New Jersey and the federal government
43 pursuant to section 1 of P.L.2006, c.32 (C.54:49-12.7);

44 o. The examination of said records and files by the
45 Commissioner of Health and Senior Services, the Commissioner of
46 Human Services, the Medicaid Inspector General, or their
47 respective duly authorized agents, pursuant to section 5 of

1 P.L.2007, c.217 (C.26:2H-18.60e), section 3 of P.L.1968, c.413
2 (C.30:4D-3), or section 5 of P.L.2005, c.156 (C.30:4J-12);

3 p. The furnishing at the discretion of the director of employer
4 provided wage and tax withholding information contained in tax
5 reports or returns filed pursuant to N.J.S.54A:7-2, 54A:7-4 and
6 54A:7-7, to the designated municipal officer of a municipality
7 authorized to impose an employer payroll tax pursuant to the
8 provisions of Article 5 (Employer Payroll Tax) of the "Local Tax
9 Authorization Act," P.L.1970, c.326 (C.40:48C-14 et seq.), for the
10 limited purpose of verifying the payroll information reported by
11 employers subject to the employer payroll tax;

12 q. The furnishing by the director to the Commissioner of Labor
13 and Workforce Development of any information, including, but not
14 limited to, tax information statements, reports, audit files, returns,
15 or reports of any investigation for the purpose of labor market
16 research or assisting in investigations pursuant to any State wage,
17 benefit or tax law as enumerated in section 1 of P.L.2009, c.194
18 (C.34:1A-1.11); or pursuant to P.L.1940, c.153 (C.34:2-21.1 et
19 seq.).

20 r. The furnishing by the director to the New Jersey Economic
21 Development Authority any information contained in tax
22 information statements, reports or returns, or any audit thereof or a
23 report of any investigation made with respect thereto, as may be
24 relevant to assist the authority in the implementation of programs
25 through which grants, loans, tax credits, or other forms of financial
26 assistance are provided. The director shall provide to the New
27 Jersey Economic Development Authority, upon request, such
28 information.

29 s. The furnishing by the director to the Commissioner of
30 Banking and Insurance of any information, including, but not
31 limited to, tax information statements, reports, audit files, returns,
32 or reports of any investigation for the purpose of assisting in
33 investigations pursuant to any insurance fraud investigation as
34 enumerated in P.L.1983, c.320 (C.17:33A-1 et seq.).

35 t. The furnishing by the director to the Commissioner of
36 Banking and Insurance or the Commissioner of Human Services of
37 any information contained in tax reports or returns for the purpose
38 of determining a taxpayer's eligibility for insurance affordability
39 assistance, the State Medicaid program, or the NJ FamilyCare
40 Program and to otherwise support minimum essential coverage
41 outreach and enrollment efforts.

42 (cf: P.L.2021, c.167, s.6)

43

44 11. This act shall take effect immediately.

45 a. (1) Except as provided in paragraph (2) of this subsection,
46 sections 2 through 6 of this act shall apply to returns filed for
47 taxable years beginning after December 31, 2022.

1 (2) If the State Treasurer determines, after consultation with the
2 Department of Banking and Insurance, that the implementation of
3 sections 2 through 6 of this act is not administratively feasible for
4 taxable years beginning after December 31, 2022, the Treasurer
5 may delay implementation of sections 2 through 6 of this act to
6 begin as soon as feasible thereafter.

7 b. (1) Except as provided in paragraph (2) of this subsection,
8 sections 7 and 8 of this act shall apply to claims filed after the first
9 day of the fifth month next following the date of enactment.

10 (2) If the Department of Labor and Workforce Development
11 determines, after consultation with the Department of Banking and
12 Insurance, that the implementation of sections 7 and 8 of this act is
13 not administratively feasible beginning after the first day of the fifth
14 month next following the date of enactment, the Department of
15 Labor and Workforce Development may delay implementation of
16 sections 7 and 8 of this act to begin as soon as feasible thereafter.

17
18
19 STATEMENT
20

21 This bill requires the Department of Banking and Insurance (the
22 department) to establish and operate the New Jersey Easy
23 Enrollment Health Insurance Program (the program). The
24 department is required to integrate the program with the State-based
25 health insurance exchange, and may enter into an agreement with a
26 third-party for operation of the program. The purpose of the
27 program is to:

28 (1) establish a State-based reporting system to provide
29 information about the health insurance status of State residents
30 through the use of State income tax returns and approved eFile
31 vendors to identify individuals and determine whether an individual
32 is interested in obtaining minimum essential coverage;

33 (2) determine or assess, as feasible, whether an individual who
34 is interested in obtaining minimum essential coverage qualifies for
35 insurance affordability assistance;

36 (3) proactively contact an individual who is interested in
37 obtaining minimum essential coverage to assist in enrolling the
38 individual in insurance affordability assistance and minimum
39 essential coverage; and

40 (4) maximize enrollment of eligible individuals in insurance
41 affordability assistance and minimum essential coverage to improve
42 access to care and reduce insurance costs for all residents of the
43 State.

44 The bill requires the Commissioner of Banking and Insurance, in
45 coordination with the Commissioner of Human Services, the
46 Commissioner of Labor and Workforce Development, and the State
47 Treasurer to develop and implement systems, policies, and practices
48 that encourage, facilitate, and streamline determination of eligibility

1 for insurance affordability assistance and enrollment in minimum
2 essential coverage to achieve the purposes of the program.

3 The department is required to assess or determine, as
4 appropriate, eligibility for insurance affordability assistance as soon
5 as possible after an individual files a State income tax return on
6 which the individual indicates that the individual or another
7 individual indicated on the tax return is seeking health benefits
8 coverage.

9 To the extent practicable, the department may verify an
10 individual's eligibility for insurance affordability assistance with
11 information on a State income tax return and other data from third-
12 party data sources, without requesting additional information from
13 the individual.

14 The bill provides that, if additional documentation from an
15 individual is required to establish eligibility for insurance
16 affordability assistance, the department must take certain steps to
17 obtain the information while limiting the burden on the individual.

18 Under the bill, the department is permitted to make, or refer to
19 the Department of Human Services to make, an assessment or
20 determination, as appropriate, of eligibility for the State Medicaid
21 program or the NJ FamilyCare Program. The department may
22 utilize and share with the Department of Human Services any
23 information provided to the department in making assessments or
24 determinations.

25 The bill provides that the department is to establish a special
26 enrollment period for the New Jersey individual health insurance
27 market to facilitate the objectives of the program. The enrollment
28 period is to last for a period of time, to be determined by the
29 department, that is not to be shorter than 30 days.

30 Information about the enrollment period described in the bill is
31 to be communicated to the public and affected individuals through
32 measures that may include language in the instructions for the State
33 individual income tax return, if inclusion of the language is
34 approved by the State Treasurer.

35 The bill requires the department to develop data privacy and data
36 security safeguards to govern the conveyance, storage, and
37 utilization of data under the program.

38 The bill requires the State Treasurer to include on the individual
39 income tax return form a checkoff box for indicating whether the
40 individual, and any individual claimed as a dependent on the tax
41 return, is not covered under minimum essential coverage at the time
42 the tax return is filed.

43 The bill requires the State Treasurer to include with the income
44 tax return form a separate form that is required only for individuals
45 who file a tax return indicating that an individual is not covered
46 under minimum essential coverage at the time the tax return is filed.

47 The separate form is required to include two checkoff boxes.
48 One checkoff box is to give an individual who files a tax return the

1 choice to have the department determine eligibility for insurance
2 affordability assistance for the individual filing the tax return and
3 any other individual included in that tax return who does not have
4 minimum essential coverage, and obtain additional data that may be
5 relevant to that determination. The other checkoff box is to allow
6 an individual who files a tax return the choice to not have the
7 department make that determination for the individual filing the tax
8 return and any other individual included in the tax return who does
9 not have minimum essential coverage.

10 The bill requires the State Treasurer to waive the State shared
11 responsibility tax applicable to months of the year that the tax
12 return is filed for any taxpayer who chooses the checkoff box
13 indicating the taxpayer wishes the department to determine the
14 individual's eligibility for insurance affordability assistance. If the
15 taxpayer fails to enroll in minimum essential coverage and maintain
16 that coverage in each month following the enrollment period, the
17 taxpayer is liable for any payments to which the taxpayer would
18 have otherwise been subject.

19 The bill requires the Department of Labor and Workforce
20 Development to implement a system through which an individual
21 who has filed a claim for unemployment insurance benefits may, as
22 part of the claim filing application, indicate that the individual is
23 interested in obtaining minimum essential coverage and consent to
24 participate to the sharing of relevant information collected by the
25 Department of Labor and Workforce Development with the
26 Department of Banking and Insurance, and the Department of
27 Human Services to determine whether the individual qualifies for
28 the State Medicaid program or the NJ FamilyCare Program, or any
29 other insurance affordability assistance and to support minimum
30 essential coverage outreach and enrollment efforts.

31 The bill takes effect immediately and applies to tax returns filed
32 for taxable years beginning after December 31, 2022, unless the
33 State Treasurer determines, after consultation with the Department
34 of Banking, that the implementation of the certain provisions of the
35 bill is not administratively feasible for taxable years beginning after
36 December 31, 2022, in which case the Treasurer may delay
37 implementation to begin as soon as feasible thereafter.

SENATE COMMERCE COMMITTEE

STATEMENT TO

SENATE, No. 1646

STATE OF NEW JERSEY

DATED: MARCH 14, 2022

The Senate Commerce Committee reports favorably Senate Bill No. 1646.

This bill requires the Department of Banking and Insurance (the department) to establish and operate the New Jersey Easy Enrollment Health Insurance Program (the program). The department is required to integrate the program with the State-based health insurance exchange, and may enter into an agreement with a third-party for operation of the program. The purpose of the program is to:

(1) establish a State-based reporting system to provide information about the health insurance status of State residents through the use of State income tax returns and approved eFile vendors to identify individuals and determine whether an individual is interested in obtaining minimum essential coverage;

(2) determine or assess, as feasible, whether an individual who is interested in obtaining minimum essential coverage qualifies for insurance affordability assistance;

(3) proactively contact an individual who is interested in obtaining minimum essential coverage to assist in enrolling the individual in insurance affordability assistance and minimum essential coverage; and

(4) maximize enrollment of eligible individuals in insurance affordability assistance and minimum essential coverage to improve access to care and reduce insurance costs for all residents of the State.

The bill requires the Commissioner of Banking and Insurance, in coordination with the Commissioner of Human Services, the Commissioner of Labor and Workforce Development, and the State Treasurer to develop and implement systems, policies, and practices that encourage, facilitate, and streamline determination of eligibility for insurance affordability assistance and enrollment in minimum essential coverage to achieve the purposes of the program.

The department is required to assess or determine, as appropriate, eligibility for insurance affordability assistance as soon as possible after an individual files a State income tax return on which the individual indicates that the individual or another individual indicated on the tax return is seeking health benefits coverage.

To the extent practicable, the department may verify an individual's eligibility for insurance affordability assistance with information on a State income tax return and other data from third-party data sources, without requesting additional information from the individual.

The bill provides that, if additional documentation from an individual is required to establish eligibility for insurance affordability assistance, the department must take certain steps to obtain the information while limiting the burden on the individual.

Under the bill, the department is permitted to make, or refer to the Department of Human Services to make, an assessment or determination, as appropriate, of eligibility for the State Medicaid program or the NJ FamilyCare Program. The department may utilize and share with the Department of Human Services any information provided to the department in making assessments or determinations.

The bill provides that the department is to establish a special enrollment period for the New Jersey individual health insurance market to facilitate the objectives of the program. The enrollment period is to last for a period of time, to be determined by the department, that is not to be shorter than 30 days.

Information about the enrollment period described in the bill is to be communicated to the public and affected individuals through measures that may include language in the instructions for the State individual income tax return, if inclusion of the language is approved by the State Treasurer.

The bill requires the department to develop data privacy and data security safeguards to govern the conveyance, storage, and utilization of data under the program.

The bill requires the State Treasurer to include on the individual income tax return form a checkoff box for indicating whether the individual, and any individual claimed as a dependent on the tax return, is not covered under minimum essential coverage at the time the tax return is filed.

The bill requires the State Treasurer to include with the income tax return form a separate form that is required only for individuals who file a tax return indicating that an individual is not covered under minimum essential coverage at the time the tax return is filed.

The separate form is required to include two checkoff boxes. One checkoff box is to give an individual who files a tax return the choice to have the department determine eligibility for insurance affordability assistance for the individual filing the tax return and any other individual included in that tax return who does not have minimum essential coverage, and obtain additional data that may be relevant to that determination. The other checkoff box is to allow an individual who files a tax return the choice to not have the department make that determination for the individual filing the tax

return and any other individual included in the tax return who does not have minimum essential coverage.

The bill requires the State Treasurer to waive the State shared responsibility tax applicable to months of the year that the tax return is filed for any taxpayer who chooses the checkoff box indicating the taxpayer wishes the department to determine the individual's eligibility for insurance affordability assistance. If the taxpayer fails to enroll in minimum essential coverage and maintain that coverage in each month following the enrollment period, the taxpayer is liable for any payments to which the taxpayer would have otherwise been subject.

The bill requires the Department of Labor and Workforce Development to implement a system through which an individual who has filed a claim for unemployment insurance benefits may, as part of the claim filing application, indicate that the individual is interested in obtaining minimum essential coverage and consent to participate to the sharing of relevant information collected by the Department of Labor and Workforce Development with the Department of Banking and Insurance, and the Department of Human Services to determine whether the individual qualifies for the State Medicaid program or the NJ FamilyCare Program, or any other insurance affordability assistance and to support minimum essential coverage outreach and enrollment efforts.

The bill takes effect immediately and applies to tax returns filed for taxable years beginning after December 31, 2022, unless the State Treasurer determines, after consultation with the Department of Banking and Insurance, that the implementation of the certain provisions of the bill is not administratively feasible for taxable years beginning after December 31, 2022, in which case the Treasurer may delay implementation to begin as soon as feasible thereafter.

As reported, this bill is identical to Assembly Bill No. 674 (1R) as amended and reported by the Assembly Financial Institutions and Insurance Committee on February 3, 2022.

SENATE BUDGET AND APPROPRIATIONS COMMITTEE

STATEMENT TO

SENATE, No. 1646

STATE OF NEW JERSEY

DATED: JUNE 6, 2022

The Senate Budget and Appropriations Committee reports favorably Senate Bill No. 1646.

This bill requires the Department of Banking and Insurance (the department) to establish and operate the New Jersey Easy Enrollment Health Insurance Program (the program). The department is required to integrate the program with the State-based health insurance exchange, and may enter into an agreement with a third-party for operation of the program. The purpose of the program is to:

(1) establish a State-based reporting system to provide information about the health insurance status of State residents through the use of State income tax returns and approved eFile vendors to identify individuals and determine whether an individual is interested in obtaining minimum essential coverage;

(2) determine or assess, as feasible, whether an individual who is interested in obtaining minimum essential coverage qualifies for insurance affordability assistance;

(3) proactively contact an individual who is interested in obtaining minimum essential coverage to assist in enrolling the individual in insurance affordability assistance and minimum essential coverage; and

(4) maximize enrollment of eligible individuals in insurance affordability assistance and minimum essential coverage to improve access to care and reduce insurance costs for all residents of the State.

The bill requires the Commissioner of Banking and Insurance, in coordination with the Commissioner of Human Services, the Commissioner of Labor and Workforce Development, and the State Treasurer to develop and implement systems, policies, and practices that encourage, facilitate, and streamline determination of eligibility for insurance affordability assistance and enrollment in minimum essential coverage to achieve the purposes of the program.

The department is required to assess or determine, as appropriate, eligibility for insurance affordability assistance as soon as possible after an individual files a State income tax return on which the individual indicates that the individual or another individual indicated on the tax return is seeking health benefits coverage.

To the extent practicable, the department may verify an individual's eligibility for insurance affordability assistance with information on a State income tax return and other data from third-party data sources, without requesting additional information from the individual.

The bill provides that, if additional documentation from an individual is required to establish eligibility for insurance affordability assistance, the department must take certain steps to obtain the information while limiting the burden on the individual.

Under the bill, the department is permitted to make, or refer to the Department of Human Services to make, an assessment or determination, as appropriate, of eligibility for the State Medicaid program or the NJ FamilyCare Program. The department may utilize and share with the Department of Human Services any information provided to the department in making assessments or determinations.

The bill provides that the department is to establish a special enrollment period for the New Jersey individual health insurance market to facilitate the objectives of the program. The enrollment period is to last for a period of time, to be determined by the department, that is not to be shorter than 30 days.

Information about the enrollment period described in the bill is to be communicated to the public and affected individuals through measures that may include language in the instructions for the State individual income tax return, if inclusion of the language is approved by the State Treasurer.

The bill requires the department to develop data privacy and data security safeguards to govern the conveyance, storage, and utilization of data under the program.

The bill requires the State Treasurer to include on the individual income tax return form a checkoff box for indicating whether the individual, and any individual claimed as a dependent on the tax return, is not covered under minimum essential coverage at the time the tax return is filed.

The bill requires the State Treasurer to include with the income tax return form a separate form that is required only for individuals who file a tax return indicating that an individual is not covered under minimum essential coverage at the time the tax return is filed.

The separate form is required to include two checkoff boxes. One checkoff box is to give an individual who files a tax return the choice to have the department determine eligibility for insurance affordability assistance for the individual filing the tax return and any other individual included in that tax return who does not have minimum essential coverage, and obtain additional data that may be relevant to that determination. The other checkoff box is to allow an individual who files a tax return the choice to not have the department make that determination for the individual filing the tax

return and any other individual included in the tax return who does not have minimum essential coverage.

The bill requires the State Treasurer to waive the State shared responsibility tax applicable to months of the year that the tax return is filed for any taxpayer who chooses the checkoff box indicating the taxpayer wishes the department to determine the individual's eligibility for insurance affordability assistance. If the taxpayer fails to enroll in minimum essential coverage and maintain that coverage in each month following the enrollment period, the taxpayer is liable for any payments to which the taxpayer would have otherwise been subject.

The bill requires the Department of Labor and Workforce Development to implement a system through which an individual who has filed a claim for unemployment insurance benefits may, as part of the claim filing application, indicate that the individual is interested in obtaining minimum essential coverage and consent to participate to the sharing of relevant information collected by the Department of Labor and Workforce Development with the Department of Banking and Insurance, and the Department of Human Services to determine whether the individual qualifies for the State Medicaid program or the NJ FamilyCare Program, or any other insurance affordability assistance and to support minimum essential coverage outreach and enrollment efforts.

The bill takes effect immediately and applies to tax returns filed for taxable years beginning after December 31, 2022, unless the State Treasurer determines, after consultation with the Department of Banking and Insurance, that the implementation of the certain provisions of the bill is not administratively feasible for taxable years beginning after December 31, 2022, in which case the Treasurer may delay implementation to begin as soon as feasible thereafter.

FISCAL IMPACT:

The Office of Legislative Services (OLS) notes that, if enacted, the bill will potentially result in an indeterminate increase in State administrative expenditures tied to the Department of Banking and Insurance's (DOBI) requirement to implement the New Jersey Easy Enrollment Health Insurance Program. Absent information from the DOBI, however, the OLS cannot anticipate the resources the department would allocate or whether it would enter into an agreement with a third party for purposes of operating the program. Potential additional administrative expenditures may be realized by the development and implementation of systems, policies, and practices that encourage, facilitate, and streamline determination of eligibility for insurance affordability assistance and enrollment in minimum essential coverage by the departments affected by the bill.

The OLS further notes that, if enacted, the bill may result in an annual indeterminate decrease in revenue to the New Jersey Health Insurance Premium Security Fund equal to the amounts of State shared responsibility tax waived by the State Treasurer for any taxpayer who chooses the checkoff box indicating the taxpayer wishes the program to determine the individual's eligibility for insurance affordability assistance.

LEGISLATIVE FISCAL ESTIMATE
SENATE, No. 1646
STATE OF NEW JERSEY
220th LEGISLATURE

DATED: JUNE 8, 2022

SUMMARY

Synopsis: Establishes New Jersey Easy Enrollment Health Insurance Program.

Type of Impact: Potential State expenditure increase; potential decrease in revenue to the New Jersey Health Insurance Premium Security Fund.

Agencies Affected: Department of Banking and Insurance; Department of Labor and Workforce Development; Department of the Treasury; Department of Human Services.

Office of Legislative Services Estimate

Fiscal Impact	<u>Annual</u>
Potential State Expenditure Increase	Indeterminate
Potential State Revenue Decrease	Indeterminate

- The Office of Legislative Services (OLS) notes that, if enacted, the bill will potentially result in an indeterminate increase in State administrative expenditures tied to the Department of Banking and Insurance’s (DOBI) requirement to implement the New Jersey Easy Enrollment Health Insurance Program. Absent information from the DOBI, however, the OLS cannot anticipate the resources the department would allocate or whether it would enter into an agreement with a third party for purposes of operating the program. Potential additional administrative expenditures may be realized by the development and implementation of systems, policies, and practices that encourage, facilitate, and streamline determination of eligibility for insurance affordability assistance and enrollment in minimum essential coverage by the departments affected by the bill.
- The OLS further notes that, if enacted, the bill may result in an annual indeterminate decrease in revenue to the New Jersey Health Insurance Premium Security Fund equal to the amounts of State shared responsibility tax waived by the State Treasurer for any taxpayer who chooses the checkoff box indicating the taxpayer wishes the program to determine the individual’s eligibility for insurance affordability assistance.

BILL DESCRIPTION

This bill requires the DOBI to establish and operate the New Jersey Easy Enrollment Health Insurance Program. The department is required to integrate the program with the State-based health insurance exchange, and may enter into an agreement with a third-party for operation of the program. The purpose of the program is to:

(1) establish a State-based reporting system to provide information about the health insurance status of State residents through the use of State income tax returns and approved eFile vendors to identify individuals and determine whether an individual is interested in obtaining minimum essential coverage;

(2) determine or assess, as feasible, whether an individual who is interested in obtaining minimum essential coverage qualifies for insurance affordability assistance;

(3) proactively contact an individual who is interested in obtaining minimum essential coverage to assist in enrolling the individual in insurance affordability assistance and minimum essential coverage; and

(4) maximize enrollment of eligible individuals in insurance affordability assistance and minimum essential coverage to improve access to care and reduce insurance costs for all residents of the State.

The bill requires the DOBI, in coordination with the Departments of Human Services, Labor and Workforce Development, and the Treasury to develop and implement systems, policies, and practices that encourage, facilitate, and streamline determination of eligibility for insurance affordability assistance and enrollment in minimum essential coverage to achieve the purposes of the program. The bill also includes several other provisions regarding eligibility assessment and determination.

The bill requires the DOBI to establish a special enrollment period for the New Jersey individual health insurance market to facilitate the objectives of the program, and to communicate this information to the public and affected individuals.

The bill also requires the DOBI to develop data privacy and data security safeguards to govern the conveyance, storage, and utilization of data under the program.

The bill requires the Department of the Treasury to include on the individual income tax return form a checkoff box for indicating whether the individual, and any individual claimed as a dependent on the tax return, is not covered under minimum essential coverage at the time the tax return is filed.

The bill also requires the Department of the Treasury to include with the income tax return form a separate form that is required only for individuals who file a tax return indicating that an individual is not covered under minimum essential coverage at the time the tax return is filed. The separate form is required to include two checkoff boxes. One checkoff box is to give an individual who files a tax return the choice to have the department determine eligibility for insurance affordability assistance for the individual filing the tax return and any other individual included in that tax return who does not have minimum essential coverage, and obtain additional data that may be relevant to that determination. The other checkoff box is to allow an individual who files a tax return the choice to not have the department make that determination for the individual filing the tax return and any other individual included in the tax return who does not have minimum essential coverage.

Under the bill, the Department of the Treasury is to waive the State shared responsibility tax applicable to months of the year that the tax return is filed for any taxpayer who chooses the checkoff box indicating the taxpayer wishes the DOBI to determine the individual's

eligibility for insurance affordability assistance. If the taxpayer fails to enroll in minimum essential coverage and maintain that coverage in each month following the enrollment period, the taxpayer is liable for any payments to which the taxpayer would have otherwise been subject.

The bill requires the Department of Labor and Workforce Development to implement a system through which an individual who has filed a claim for unemployment insurance benefits may, as part of the claim filing application, indicate that the individual is interested in obtaining minimum essential coverage and consent to participate to the sharing of relevant information collected by the Department of Labor and Workforce Development with the DOBI, and the Department of Human Services to determine whether the individual qualifies for the State Medicaid program or the NJ FamilyCare Program, or any other insurance affordability assistance and to support minimum essential coverage outreach and enrollment efforts.

The bill takes effect immediately and applies to tax returns filed for taxable years beginning after December 31, 2022, unless the State Treasurer determines, after consultation with the DOBI, that the implementation of the certain provisions of the bill is not administratively feasible for taxable years beginning after December 31, 2022, in which case the Treasurer may delay implementation to begin as soon as feasible thereafter.

FISCAL ANALYSIS

EXECUTIVE BRANCH

None received.

OFFICE OF LEGISLATIVE SERVICES

The OLS notes that the bill, if enacted, will potentially result in an indeterminate increase in State administrative expenditures tied to the DOBI's implementation of the program. Absent information from the DOBI, however, the OLS cannot anticipate the resources, if any, the DOBI would allocate or whether it would enter into an agreement with a third party for purposes of operating the program. Potential additional administrative expenditures may be realized by the development and implementation of systems, policies, and practices that would encourage, facilitate, and streamline determination of eligibility for insurance affordability assistance and enrollment in minimum essential coverage by the departments.

The OLS further notes that, if enacted, the bill may result in annual indeterminate decrease in revenue to the New Jersey Health Insurance Premium Security Fund equal to the amounts of State shared responsibility tax waived by the Department of the Treasury for any taxpayer who chooses the checkoff box indicating the taxpayer wishes the program to determine the individual's eligibility for insurance affordability assistance. The "Supplementary Information" section in the FY 2023 Governor's Budget, available online, indicates that the total estimated revenue from the State shared responsibility tax for fiscal years 2022 and 2023 will be \$44.6 million for each year. For purposes of illustration, the following were ranges of the State shared responsibility tax payments collected for the 2021 tax year:

Individual taxpayer:

- Minimum: \$695
- Maximum: \$3,492

Family with two adults and three dependents and household income of \$200,000 or below:

- Minimum: \$2,351
- Maximum: \$4,500

Family with two adults and three dependents and household income of \$200,001 to \$400,000:

- Minimum: \$2,351
- Maximum: \$9,500

Family with two adults and three dependents and household income of \$400,001 and above:

- Minimum: \$2,351
- Maximum: \$17,460

The OLS also notes that there may be a potential indeterminate annual reduction in State charity care disbursements to hospitals, but only if the bill results in more people who would otherwise go uninsured enrolling in and maintaining health benefits coverage. In this scenario, hospitals would likely have reduced outstanding uncompensated care liabilities, and the State can reduce charity care payments to hospitals.

Section: Commerce, Labor and Industry
Analyst: Juan C. Rodriguez
Senior Fiscal Analyst
Approved: Thomas Koenig
Legislative Budget and Finance Officer

This legislative fiscal estimate has been produced by the Office of Legislative Services due to the failure of the Executive Branch to respond to our request for a fiscal note.

This fiscal estimate has been prepared pursuant to P.L.1980, c.67 (C.52:13B-6 et seq.).

Governor Murphy Takes Action on Legislation

06/30/2022

TRENTON – Today, Governor Phil Murphy signed the following bills into law:

2944/A-4162 (Sarlo, Ruiz/Freiman, Mosquera, Jaffer, Moriarty, Tully, Swain) - Credits \$5.2 billion to “New Jersey Debt Defeasance and Prevention Fund”; appropriates \$2.9 billion to NJ Schools Development Authority, NJ DOT, and NJT; and establishes process for authorizing future appropriations for debt defeasance and capital projects

S-1929/A-3668 (Gopal, Pennacchio/McKeon, Tully, Conaway) - Makes FY 2022 supplemental appropriation to provide State military impact aid to certain school districts

A-4403/S-2915 (Pintor Marin, Wimberly/Sarlo, Cunningham) - Makes FY 2022 supplemental appropriations of \$71,786,000

ACS for A-1522/S-2914 (Moriarty, Mosquera, Jaffer, Freiman, Lampitt, Greenwald/Madden, Gopal) - Establishes annual sales tax holiday for certain retail sales of computers, school computer supplies, school supplies, school art supplies, school instructional materials and sport or recreational equipment.

A-4401/S-2860 (Jaffer, Moriarty, Tully/Gopal, Pou) - Provides one-year waiver of certain MVC fees imposed for driver’s licenses and non-driver identification cards.

S-2861/A-4400 (Madden, Pou/Mosquera, Swain, Wimberly) - Waives fees for marriage and civil union licenses in Fiscal Year 2023; appropriates \$2 million

S-2523/ACS for A-3852 (Ruiz, Cunningham/Reynolds-Jackson, Freiman, Jaffer, Moriarty, Mosquera, Wimberly) - Provides child tax credit under gross income tax

S-2476wGR/A-4179 (Ruiz, Vitale/Coughlin, Jasey, Sumter, Quijano) - Establishes Thriving By Three Act to award competitive grants for infant and toddler child care programs; appropriates \$28 million

A-2359/S-2034 (Tucker, Moen, Haider/Cruz-Perez, Pou) - Provides for streamlining of SNAP application process and establishes SNAP application call center; appropriates \$750,000

A-2360/S-2035 (Reynolds-Jackson, Mukherji, Speight/Cunningham, Ruiz) - Eliminates requirement that participation in NJ SNAP Employment and Training Program is mandatory for certain recipients

A-2361/S-2016 (Jimenez, Sumter, Timberlake/Zwicker, Ruiz) - Requires DHS to maintain SNAP outreach plan and to conduct additional outreach programs

A-2362/S-2036 (Freiman, Mosquera, Quijano/Johnson, Ruiz) - Requires DHS to submit federal waiver request regarding time limits for certain SNAP recipients under certain circumstances

A-2363/S-2033 (Stanley, Mejia, Lopez/Pou, Ruiz) - Concerns SNAP services provided at county boards of social services and county welfare agencies; appropriates \$250,000

A-2364/S-2017 (Spearman, Pintor Marin, Atkins/Greenstein, Ruiz) - Appropriates \$813,000 to DHS to implement use of electronic benefit transfer cards in Senior Farmers’ Market Nutrition Program

A-2366/SCS for S-2156 (McKnight, Carter, Verrelli/Lagana, Pou) - Establishes State SNAP Minimum Benefit Program; appropriates \$18 million to DHS

A-2008/S-352 (Conaway, Verrelli, Benson/Gopal, Madden) - Requires health insurance carriers to provide coverage for treatment of mental health conditions and substance use disorders through collaborative care

S-2872/A-4399 (Scutari, Ruiz/Carter, Reynolds-Jackson, Murphy, Wimberly) - Establishes Behavioral Healthcare Provider Loan Redemption Program within Higher Education Student Assistance Authority; appropriates \$5 million

SCS for S-311/ACS for A-2036 (Vitale, Gopal/Benson, Verrelli, Conaway) - Establishes Statewide behavioral health crisis system of care

SCS for S-722 and 785/ACS for A-998 (Codey, Singleton/Reynolds-Jackson, Stanley, Jaffer) - Codifies and expands ARRIVE Together Pilot Program to make certain mental health services available to police responding to certain emergencies; appropriates \$2 million

S-2909/ACS for A-4374 (Diegnan/Benson, Pintor Marin, McKnight) - Authorizes DOT to compensate contractors and subcontractors affected by supply chain shortages; appropriates \$10 million

A-4405/S-2943 (Benson, Wimberly, Moen/Diegnan) - Concerns New Jersey Transportation Trust Fund Authority; increases Transportation Trust Fund spending limit by \$600 million

A-674/S-1646 (Verrelli, McKnight, McKeon/Ruiz, Pou) - Establishes New Jersey Easy Enrollment Health Insurance Program

A-3733/S-488 (Haider, Stanley, Benson/Scutari, Beach) - Authorizes student attending institution of higher education to earn credit towards graduation for serving as poll worker

ACS for A-3990/SCS for S-2593 (Stanley, Tully, Karabinchak/Diegnan, Corrado) - Provides temporary one-year extension of service life of school buses for 2022-2023 school year; authorizes chief administrator to allow one-year extension in subsequent two school years

A-4208/S-2791 (Pintor Marin, Quijano, Speight/Ruiz, Cruz-Perez) - Provides sales and use tax exemption for certain purchases made by all supermarkets and grocery stores located within urban enterprise zones

A2426/S513 (Wimberly, Reynolds-Jackson, Schaer/Cryan, Turner) - Establishes rebuttable presumption of pretrial detention for defendants who commit certain firearm offenses under Graves Act

A-4385/S-2933 (Conaway/Cryan) - Makes various revisions to law pertaining to electronic medical records and recording patients' demographic information

S-2807/A-246 (Stack, Sacco, Cunningham/McKnight, Sampson, Chaparro) - Establishes Liberty State Park Design Task Force

S-2917/A-4395 (Cruz-Perez, Stack/Pintor Marin, Freiman, Reynolds-Jackson) - Expands allowance for developers to carry forward unused tax credits under New Jersey Aspire Program

S-2921/A-4365 (Zwicker, Pou/Coughlin, Verrelli, Spearman) - Revises various provisions of Food Desert Relief Program

S-2945/ACS for A-4392 (Scutari/Pintor Marin, Sumter, Quijano, McKnight) - Concerns economic incentives for certain cannabis businesses

S-2023/A-4402 (Sarlo, Cunningham/Pintor Marin, Wimberly) - LINE ITEM - Appropriates \$50,638,729,000 in State funds and \$24,082,639,850 in federal funds for the State budget for fiscal year 2022-2023

[Copy of Statement](#)

Governor Murphy signed the following bills today, which were sent to his desk yesterday, conditionally vetoed, and then passed in concurrence with the Governor's recommendations:

S-2476/A-4179 (Ruiz, Vitale/Coughlin, Jasey, Sumter, Quijano) – CONDITIONAL - Establishes Thriving By Three Act to award competitive grants for infant and toddler child care programs; appropriates \$28 million

[Copy of Statement](#)

A-4403/S-2915 (Pintor Marin, Wimberly/Sarlo, Cunningham) – CONDITIONAL - Makes FY 2022 supplemental appropriations of \$71,786,000

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