

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 54

BY STATE AFFAIRS COMMITTEE

AN ACT

1  
2 RELATING TO INSURANCE PRODUCERS; AMENDING CHAPTER 10, TITLE 41, IDAHO  
3 CODE, BY THE ADDITION OF A NEW SECTION 41-1090, IDAHO CODE, TO DEFINE A  
4 TERM, TO PROVIDE THAT PRODUCERS MAY PARTICIPATE IN A HEALTH INSURANCE  
5 EXCHANGE, TO PROVIDE FOR PAYMENT TO PRODUCERS PARTICIPATING IN THE EX-  
6 CHANGE AND TO AUTHORIZE THE DIRECTOR TO PROMULGATE RULES.

7 Be It Enacted by the Legislature of the State of Idaho:

8 SECTION 1. That Chapter 10, Title 41, Idaho Code, be, and the same is  
9 hereby amended by the addition thereto of a NEW SECTION, to be known and des-  
10 ignated as Section 41-1090, Idaho Code, and to read as follows:

11 41-1090. PRODUCER PARTICIPATION IN HEALTH INSURANCE EXCHANGE. (1)  
12 The term "agent and broker" as used in 42 U.S.C. section 18032(e) and 45 CFR  
13 155.220 means, for the purposes of this section, "producer" as defined in  
14 section 41-1003(8), Idaho Code.

15 (2) Pursuant to 42 U.S.C. section 18032(e) and 45 CFR 155.220, whereby  
16 states may permit producers to participate in health insurance exchanges es-  
17 tablished under the patient protection and affordable care act (PPACA), it  
18 is hereby declared that any producer properly licensed pursuant to chapter  
19 10, title 41, Idaho Code, may participate to the fullest extent permitted in  
20 any health insurance exchange operating in the state of Idaho pursuant to the  
21 PPACA, regardless of whether such exchange is a federally operated exchange,  
22 state-based exchange or partnership exchange.

23 (3) Any participating producer as authorized herein shall be entitled  
24 to payment for services through written fee agreements with individuals or  
25 small employers utilizing the services of said producer or through commis-  
26 sions offered by insurers participating in the health insurance exchange.

27 (4) Pursuant to section 41-1025, Idaho Code, the director may promul-  
28 gate reasonable rules as are necessary and proper to carry out the purposes  
29 of this section.