

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2025

FILED SENATE
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S.B. 418
PRINCIPAL CLERK

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SENATE BILL DRS35177-MR-93

Short Title: NC Health Benefits Exchange Implementation. (Public)

Sponsors: Senator Burgin (Primary Sponsor).

Referred to:

A BILL TO BE ENTITLED
AN ACT AUTHORIZING THE COMMISSIONER OF INSURANCE TO ESTABLISH AND
OPERATE A STATE-RUN HEALTH BENEFITS EXCHANGE.

The General Assembly of North Carolina enacts:

SECTION 1.(a) G.S. 58-2-40(2) is recodified as G.S. 58-2-40(b).

SECTION 1.(b) G.S. 58-2-40, as amended by subsection (a) of this section, reads as
rewritten:

"§ 58-2-40. Powers and duties of Commissioner.

(a) The Commissioner ~~shall~~ has the duty to do all of the following:

(1) See that all laws of this State that the Commissioner is responsible for
administering and the provisions of this Chapter are faithfully ~~executed; and~~
~~to executed.~~ To that end, the Commissioner is authorized to adopt ~~rules~~
rules, in accordance with Chapter 150B of the General Statutes, in order to
enforce, carry out and make effective the provisions of those laws. The
Commissioner is also authorized to adopt ~~such~~ further rules not contrary to
those laws that will prevent persons subject to the Commissioner's regulatory
authority from engaging in practices injurious to the public.

...

(b) ~~Have~~ The Commissioner shall have the power and authority to adopt rules pertaining
to and governing the solicitation of proxies, including related financial reporting in connection
~~therewith, reporting requirements,~~ with respect to the capital stock or other equity securities of
any domestic stock insurance company.

(c) The Commissioner shall establish a State-run Health Benefits Exchange, as provided
for under the federal Patient Protection and Affordable Care Act (P.L. 111-148), as amended, or
other applicable federal law and regulations. The Commissioner has the authority to do all of the
following:

- (1) Change any established program, adopt or amend any rule, or establish or
change any policy, guideline, or plan as necessary to implement, establish,
create, administer, or otherwise operate the Exchange.
- (2) Apply for and accept federal moneys related to the creation, implementation,
or operation of the Exchange.
- (3) Create any advisory board or committee for providing recommendations on
the creation, implementation, or operation of the exchange."

SECTION 2. G.S. 143B-24 reads as rewritten:

"§ 143B-24. ~~Cooperative agreements; prohibition regarding Health Benefit~~
~~Exchanges.~~ agreements.



1 ...

2 (b) ~~The General Assembly reserves the authority to define the State's level of interaction,~~

3 ~~if any, with the federally facilitated Health Benefit Exchange that will operate in the State. No~~

4 ~~department, agency, or institution of this State shall enter into any contracts or commit any~~

5 ~~resources for the provision of any services related to the federally facilitated Health Benefit~~

6 ~~Exchange under a "Partnership" Exchange model, except as authorized by the General Assembly.~~

7 ~~No department, agency, or institution of this State shall take any actions not authorized by the~~

8 ~~General Assembly toward the formation of a State-run Health Benefit Exchange. It is not the~~

9 ~~intent of this section to prohibit State-federal interaction that does not pursue a State-run~~

10 ~~Exchange or "Partnership" Exchange model."~~

11 **SECTION 3.** Effective July 1, 2025, there is appropriated from the General Fund to

12 the Department of Insurance the sum of one hundred thousand dollars (\$100,000) in recurring

13 funds for the 2025-2026 fiscal year to be used to establish and operate a State-run Health Benefits

14 Exchange, as authorized under G.S. 58-2-40(c).

15 **SECTION 4.** Except as otherwise provided, this act is effective when it becomes

16 law.