

1 the basis that the individual is or has been the subject
2 of an act of domestic violence.

3 (b) INTERPRETATION.— Nothing in this section shall
4 prevent an insurer from underwriting, issuing, or renewing
5 health insurance coverage on the basis of the physical or
6 mental history of an individual so long as the insurer does
7 not take into consideration whether such individual's con-
8 dition was caused by an act of domestic violence.

9 (c) STANDARDS.—

10 (1) IN GENERAL.—The Secretary of Health and
11 Human Services shall request the National Associa-
12 tion of Insurance Commissioners to develop, within
13 9 months after the date of the enactment of the Act,
14 model regulations that specify standards with re-
15 spect to the requirements of this subtitle as applica-
16 ble to carriers and health insurance coverage.

17 (2) REVIEW OF STANDARDS.—If the National
18 Association of Insurance Commissioners develops
19 recommended regulations specifying such standards
20 within such period, the Secretary shall review the
21 standards. Such review shall be completed within 60
22 days after the date the regulations are developed.
23 Unless the Secretary determines within such period
24 that the standards do not meet the requirements,
25 such standards shall serve as the standards under

1 this section, with such amendments as the Secretary
2 deems necessary.

3 (3) APPLICATION OF STANDARDS.—Each State
4 shall submit to the Secretary a report on steps the
5 State is taking to implement and enforce the stand-
6 ards established under paragraph (1) with respect to
7 carriers and health insurance coverage offered or re-
8 newed.

9 (d) DEFINITIONS.—For purposes of this section:

10 (1) ACT OF DOMESTIC VIOLENCE.—The term
11 “act of domestic violence” means, with respect to an
12 individual, the occurrence of one or more acts of
13 harassment, menacing, reckless endangerment, kid-
14 napping, assault, attempted assault, or attempted
15 murder, in violation of Federal or State law, between
16 household or family members (including in-laws or
17 extended family), spouses or former spouses, or indi-
18 viduals engaged in or formerly engaged in a sexually
19 intimate relationship, where such an act has resulted
20 in actual physical or emotional injury, or has created
21 a substantial risk of physical or emotional harm to
22 such individual or such individual’s child.

23 (2) HEALTH INSURANCE COVERAGE.—

24 (A) IN GENERAL.—Except as provided in
25 subparagraph (B), the term “health insurance

1 coverage” means any hospital or medical service
2 policy or certificate, hospital or medical service
3 plan contract, or health maintenance organiza-
4 tion contract offered by an insurer.

5 (B) EXCEPTION.—Such term does not in-
6 clude any of the following:

7 (i) Coverage for accident only, dental
8 only, vision only, disability income, or long-
9 term care insurance.

10 (ii) Medical supplemental health in-
11 surance.

12 (iii) Coverage issued as a supplement
13 to liability insurance.

14 (iv) Liability insurance, including gen-
15 eral liability insurance and automobile li-
16 ability insurance.

17 (v) Worker’s compensation or similar
18 insurance.

19 (vi) Automobile medical-payment in-
20 surance.

21 (vii) Coverage for a specified disease
22 or illness.

23 (3) INSURER.—The term “insurer” means an
24 insurance company, insurance service, or insurance
25 organization licensed to engage in the business of in-

1 surance in a State, and health maintenance organi-
2 zation.

3 (4) STATE.—The term “State” means any
4 State, the District of Columbia, Puerto Rico, the
5 Northern Mariana Islands, the Virgin Islands,
6 American Samoa, and Guam.

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