

AMENDMENT

OFFERED BY MS. HIRONO OF HAWAII

Add at the end of subtitle F of title I of division A
the following new section:

1 **SEC. 156. RULE OF CONSTRUCTION REGARDING HAWAII**

2 **PREPAID HEALTH CARE ACT.**

3 (a) IN GENERAL.—Subject to this section—

4 (1) nothing in this division (or an amendment
5 made by this division) shall be construed to modify
6 or limit the application of the exemption for the Ha-
7 waii Prepaid Health Care Act (Haw. Rev. Stat. §§
8 393-1 et seq.) as provided for under section
9 514(b)(5) of the Employee Retirement Income Secu-
10 rity Act of 1974 (29 U.S.C. 1144(b)(5)), and such
11 exemption shall also apply with respect to the provi-
12 sions of this division, and

13 (2) for purposes of this division (and the
14 amendments made by this division), coverage pro-
15 vided pursuant to the Hawaii Prepaid Health Care
16 Act shall be treated as a qualified health benefits
17 plan providing acceptable coverage so long as the
18 Secretary of Labor determines that such coverage
19 for employees (taking into account the benefits and

1 the cost to employees for such benefits) is substan-
2 tially equivalent to or greater than the coverage pro-
3 vided for employees pursuant to the essential bene-
4 fits package.

5 (b) COORDINATION WITH STATE LAW OF HAWAII.—
6 The Commissioner shall, based on ongoing consultation
7 with the appropriate officials of the State of Hawaii, make
8 adjustments to rules and regulations of the Commissioner
9 under this division as may be necessary, as determined
10 by the Commissioner, to most effectively coordinate the
11 provisions of this division with the provisions of the Ha-
12 waii Prepaid Health Care Act, taking into account any
13 changes made from time to time to the Hawaii Prepaid
14 Health Care Act and related laws of such State.

