

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2025

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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:

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

4 The General Assembly of North Carolina enacts:

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

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

8 "§ 58-2-40. Powers and duties of Commissioner.

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

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

18 ...

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

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

27 (1) Change any established program, adopt or amend any rule, or establish or  
28 change any policy, guideline, or plan as necessary to implement, establish,  
29 create, administer, or otherwise operate the Exchange.

30 (2) Apply for and accept federal moneys related to the creation, implementation,  
31 or operation of the Exchange.

32 (3) Create any advisory board or committee for providing recommendations on  
33 the creation, implementation, or operation of the exchange."

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

35 "§ 143B-24. Cooperative ~~agreements; prohibition regarding Health Benefit~~  
36 ~~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.