

[Third Reprint]

**SENATE, No. 3238**

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**STATE OF NEW JERSEY**  
**219th LEGISLATURE**

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INTRODUCED DECEMBER 10, 2020

**Sponsored by:**

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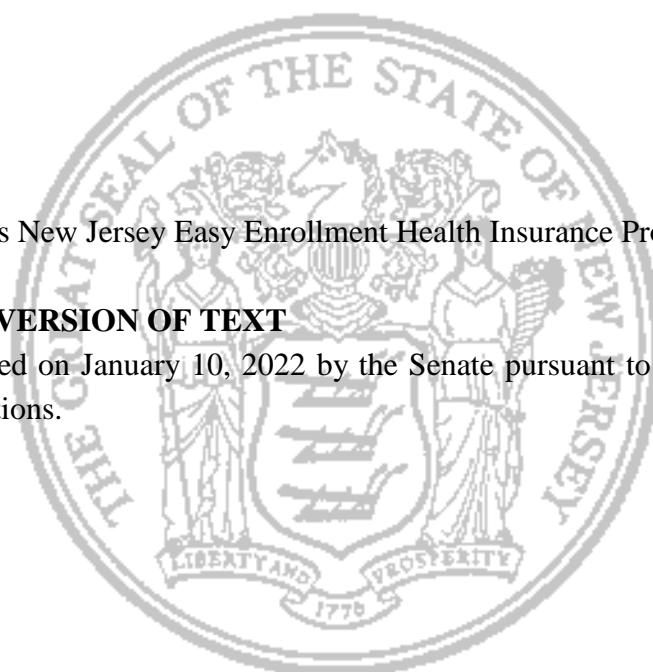
**Senator Weinberg, Assemblyman Benson, Assemblywoman Timberlake,  
Assemblyman Conaway, Assemblywomen Jasey, Vainieri Huttie,  
Assemblyman Houghtaling, Assemblywoman Swain, Assemblyman Tully  
and Assemblywoman Lopez**

**SYNOPSIS**

Establishes New Jersey Easy Enrollment Health Insurance Program.

**CURRENT VERSION OF TEXT**

As amended on January 10, 2022 by the Senate pursuant to the Governor's recommendations.



**(Sponsorship Updated As Of: 6/21/2021)**

1 AN ACT establishing the New Jersey Easy Enrollment Health  
 2 Insurance Program <sup>3</sup>**[and]** <sup>3</sup>,<sup>3</sup> supplementing <sup>3</sup>and amending<sup>3</sup>  
 3 P.L.2019, c.141 <sup>3</sup>**[(C.17B:27A-57 et seq.)]** <sup>3</sup>, and amending  
 4 R.S.54:50-9<sup>3</sup>.

5  
 6 **BE IT ENACTED** *by the Senate and General Assembly of the State*  
 7 *of New Jersey:*

8  
 9 1. As used in this act:  
 10 “Commissioner” means the Commissioner of Banking and  
 11 Insurance.

12 <sup>3</sup>**[(“Cost-sharing reduction” means a reduction described in**  
 13 **Section 1402(c) of the Affordable Care Act.)]**<sup>3</sup>

14 “Department” means the Department of Banking and Insurance.

15 “Insurance affordability assistance” means:

16 (1) the State Medicaid program established pursuant to  
 17 P.L.1968, c.413 (C.30:4D-1 et seq.);

18 (2) the NJ FamilyCare Program established pursuant to  
 19 P.L.2005, c.156 (C.30:4J-8 et al.);

20 (3) premium tax credits; or

21 (4) cost-sharing reductions.

22 <sup>3</sup>**[(“Modified adjusted gross income” has the meaning stated in**  
 23 **42 U.S.C. s.1395r(i)(4)(A).**

24 “Poverty line” has the meaning stated in 42 U.S.C.  
 25 s.1397jj(c)(5).]<sup>3</sup>

26 “Premium tax credits” means the tax credits described in section  
 27 36B of the Internal Revenue Code.

28 <sup>3</sup>**[(“Proactively contact” means an attempt by the program to**  
 29 **reach an individual by:**

30 (1) making multiple attempts to contact the individual as  
 31 requested on a State income tax return in accordance with section 8  
 32 of this act;

33 (2) if the attempts described in paragraph (1) of this definition  
 34 do not successfully reach the individual or if no specific methods  
 35 for contacting the individual were requested, making multiple  
 36 attempts to contact the individual through telephonic and electronic  
 37 means; and

38 (3) if the attempts described in paragraphs (1) and (2) of this  
 39 definition do not successfully reach the individual to obtain the  
 40 requested information, sending paper forms or notices to the  
 41 individual by mail.]<sup>3</sup>

42 “Program” means the New Jersey Easy Enrollment Health  
 43 Insurance Program established pursuant to this act.

**EXPLANATION** – Matter enclosed in bold-faced brackets **[thus]** in the above bill is  
 not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

Matter enclosed in superscript numerals has been adopted as follows:

<sup>1</sup>Senate SCM committee amendments adopted January 21, 2021.

<sup>2</sup>Senate floor amendments adopted June 3, 2021.

<sup>3</sup>Senate amendments adopted in accordance with Governor's  
 recommendations January 10, 2022.

1 “Individual” means an individual <sup>3</sup>[under the age of 65 years]<sup>3</sup>  
2 who is identified through a State income tax return under section  
3 <sup>3</sup>[8] 6<sup>3</sup> of this act as not having minimum essential coverage.

4 <sup>3</sup>“Workgroup” means the New Jersey Easy Enrollment Health  
5 Insurance Program Advisory Workgroup established pursuant to  
6 section 3 of this act.]<sup>3</sup>  
7

8 2. a. The Department of Banking and Insurance shall establish  
9 and have the authority to operate the New Jersey Easy Enrollment  
10 Health Insurance Program. The department shall integrate the  
11 program with the State-based exchange established pursuant to  
12 P.L.2019, c.141 (C.17B:27A-57 et seq.), and may enter into an  
13 agreement with a third-party for operation of the program. The  
14 purpose of the program shall be to:

15 (1) establish a State-based reporting system to provide  
16 information about the health insurance status of State residents  
17 through the use of State income tax returns <sup>3</sup>and approved eFile  
18 vendors<sup>3</sup> to identify individuals without minimum essential  
19 coverage and determine whether the individual is interested in  
20 obtaining minimum essential coverage;

21 (2) determine <sup>3</sup>or assess, as feasible,<sup>3</sup> whether an individual who  
22 is interested in obtaining minimum essential coverage qualifies for  
23 insurance affordability assistance;

24 (3) proactively contact an individual who is interested in  
25 obtaining minimum essential coverage to assist in enrolling the  
26 individual in insurance affordability assistance and minimum  
27 essential coverage; and

28 (4) maximize enrollment of eligible individuals in insurance  
29 affordability assistance and minimum essential coverage to improve  
30 access to care and reduce insurance costs for all residents of the  
31 State.

32 b. The Commissioner of Banking and Insurance, <sup>3</sup>in  
33 coordination with<sup>3</sup> the Commissioner of Human Services, <sup>2</sup>the  
34 Commissioner of Labor and Workforce Development,<sup>2</sup> and the  
35 State Treasurer<sup>3, 3</sup> shall develop and implement systems, policies,  
36 and practices that encourage, facilitate, and streamline  
37 determination of eligibility for insurance affordability assistance  
38 and enrollment in minimum essential coverage to achieve the  
39 purposes of the program.

40 c. To facilitate the most efficient implementation of the  
41 program, the Commissioner of Banking and Insurance, the  
42 Commissioner of Human Services, <sup>2</sup>the Commissioner of Labor and  
43 Workforce Development,<sup>2</sup> and the State Treasurer may enter into  
44 agreements, adopt regulations and guidelines, establish accounts,  
45 conduct trainings, provide public information, educate tax  
46 preparers, and take any other steps as may be necessary to  
47 accomplish the purpose of the program.

1 d. Notwithstanding the provisions of subsection a. of  
2 R.S.54:50-8 to the contrary, the State Treasurer <sup>3</sup>**[may]** shall<sup>3</sup> share  
3 with the Commissioner of Banking and Insurance the taxpayer  
4 information that is necessary for the purposes of this act <sup>3</sup>and  
5 P.L.2018, c.31 (C.54A:11-1 et seq.)<sup>3</sup>.

6 e. The <sup>3</sup>**[Commissioner]** Commissioners<sup>3</sup> of Human Services  
7 <sup>3</sup>**[may pursue any]** and Banking and Insurance shall apply and  
8 secure any State plan amendments or<sup>3</sup> necessary waivers from the  
9 federal Department of Health and Human Services in order to  
10 implement the provisions of this act.

11  
12 <sup>3</sup>**[3. a. The Commissioner of Banking and Insurance shall**  
13 **establish a New Jersey Easy Enrollment Health Insurance Program**  
14 **Advisory Workgroup to provide ongoing advice regarding the**  
15 **implementation of the program.**

16 b. The workgroup shall include representation from:

17 (1) the commissioner;

18 (2) consumer groups;

19 (3) employers;

20 (4) insurers;

21 (5) health care providers;

22 (6) navigators or other consumer assisters;

23 (7) insurance brokers or agents;

24 (8) labor organizations;

25 (9) income tax preparers;

26 (10) national policy experts; <sup>2</sup>**[and]**<sup>2</sup>

27 (11) <sup>2</sup>federally qualified health centers; and

28 (12)<sup>2</sup> any other organizations or groups selected by the  
29 commissioner.

30 c. The workgroup shall meet at least once every six months.

31 d. This section shall not be construed to prevent the  
32 commissioner from convening other formal or informal working or  
33 advisory groups to facilitate the implementation of the program.]<sup>3</sup>

34  
35 <sup>3</sup>**[4. a. The New Jersey Easy Enrollment Health Insurance**  
36 **Program shall determine]** 3. a. The Department of Banking and  
37 Insurance may assess or determine, as appropriate,<sup>3</sup> eligibility for  
38 insurance affordability assistance as soon as possible after an  
39 individual files a State income tax return on which the individual  
40 indicates pursuant to paragraph (3) of subsection c. of section <sup>3</sup>**[8]**  
41 <sup>6</sup>**[** of this act, that the individual <sup>3</sup>or another individual indicated on  
42 the tax return<sup>3</sup> is seeking coverage.

43 b. (1) To the extent practicable, the <sup>3</sup>**[program shall]**  
44 department may<sup>3</sup> verify an individual's eligibility for insurance  
45 affordability assistance with information on a State income tax  
46 return and other data from third-party data sources, including data

1 described in section 1413 of the Affordable Care Act or available  
2 pursuant to section <sup>3</sup>[8] <sup>6</sup> of this act, without requesting additional  
3 information from the individual.

4 (2) If additional documentation from an individual is required to  
5 establish eligibility for insurance affordability assistance, the  
6 <sup>3</sup>[program] department<sup>3</sup> shall take steps to <sup>3</sup>[limit] obtain such  
7 information while limiting<sup>3</sup> the burden on the individual <sup>3</sup>[,  
8 including:

9 (a) proactively contacting the individual who filed the tax return  
10 or the individual;

11 (b) recording, by telephonic or electronic means, documentation  
12 provided by the individual who filed the tax return or the  
13 individual; and

14 (c) if the documentation required to determine eligibility is not  
15 obtained using the steps described in subparagraphs (a) and (b) of  
16 this paragraph, facilitating the selection of an authorized  
17 representative for the individual.

18 c. (1) Before determining eligibility of an individual for  
19 insurance affordability assistance, the program shall attempt to  
20 verify the citizenship status of the individual and each household  
21 member listed on the State income tax return, based on the  
22 information available from the return and reliable third-party  
23 sources of citizenship data.

24 (2) If the process described in paragraph (1) of this subsection  
25 does not confirm that the individual and each household member  
26 listed on the State income tax return is a United States citizen, the  
27 program shall not seek additional verification or take other steps to  
28 determine eligibility for insurance affordability assistance until the  
29 individual provides affirmative consent using forms and procedures  
30 approved by the program.

31 (3) The affirmative consent required under paragraph (2) of this  
32 subsection may be satisfied through the procedures described in 42  
33 U.S.C. s.1320b-7(d).

34 (4) If citizenship is not verified and affirmative consent is not  
35 provided in accordance with paragraph (2) of this subsection, the  
36 program shall not take any further steps to determine an individual's  
37 eligibility for insurance affordability assistance.】

38 c. The Department of Banking and Insurance may make, or refer  
39 to the Department of Human Services to make, an assessment or  
40 determination, as appropriate, of eligibility for the State Medicaid  
41 program or the NJ FamilyCare Program. The Department of  
42 Banking and Insurance may utilize and share with the Department  
43 of Human Services any information provided to the Department of  
44 Banking and Insurance in making assessments or determinations  
45 pursuant to this subsection.<sup>3</sup>

46  
47 <sup>3</sup>[5. a. The program shall make a determination of eligibility,  
48 in accordance with section 4 of this act, for the State Medicaid

1 program or the NJ FamilyCare Program under this section, before  
 2 determining eligibility for any other insurance affordability  
 3 assistance.

4 b. (1) If an individual is determined to be eligible for the State  
 5 Medicaid program or the NJ FamilyCare Program, the procedures  
 6 described in this section and guidelines established by the  
 7 Department of Human Services, to implement this subsection shall  
 8 apply.

9 (2) If an individual fails to select a managed care organization  
 10 plan within a period of time established by the program, the  
 11 program may assign the individual to and promptly enroll the  
 12 individual in a managed care organization plan.

13 (3) Before the program assigns an individual to a managed care  
 14 organization plan, the individual shall receive:

15 (a) advance notice;

16 (b) an opportunity to select another managed care organization  
 17 plan within the period of time established by the program; and

18 (c) an opportunity to opt out of coverage.

19 c. The program may utilize any information provided to the  
 20 Department of Banking and Insurance or the Department of Human  
 21 Services in making determinations pursuant to this section. <sup>3</sup>

22

23 <sup>3</sup>[6. a. If an individual is not determined to be eligible for the  
 24 State Medicaid program or the NJ FamilyCare Program pursuant to  
 25 section 5 of this act, the program shall determine, in accordance  
 26 with section 4 of this act, whether the individual is eligible for  
 27 premium tax credits or cost-sharing reductions as determined under  
 28 this section.

29 b. (1) A special enrollment period for the New Jersey  
 30 Individual Health Coverage Program shall begin on the date <sup>2</sup>[an  
 31 income tax return is filed by or on behalf of an individual that  
 32 indicates an individual is seeking coverage pursuant to paragraph  
 33 (3) of subsection c. of section 8 of this act] the program sends  
 34 notice of eligibility to the individual<sup>2</sup>.

35 (2) <sup>3</sup>[4. a. The Department of Banking and Insurance shall  
 36 establish a special enrollment period for the New Jersey individual  
 37 health insurance market to facilitate the objectives of the program.<sup>3</sup>

38 The enrollment period described in this section shall last for a  
 39 period of time, to be determined by the Department of Banking and  
 40 Insurance <sup>3</sup>[before the start of the calendar year]<sup>3</sup>, that <sup>2</sup>[may]  
 41 shall<sup>2</sup> not be shorter than <sup>2</sup>[14] 30<sup>2</sup> days.

42 <sup>3</sup>[c. (1)] b.<sup>3</sup> Information about the enrollment period described  
 43 in subsection <sup>3</sup>[b.] a.<sup>3</sup> of this section shall be communicated to the  
 44 public and affected individuals through measures that may include  
 45 language in the instructions for the State individual income tax  
 46 return, if inclusion of the language is approved by the State  
 47 Treasurer.

1       <sup>3</sup>[(2)] c.<sup>3</sup> The Department of Banking and Insurance shall  
 2 conduct outreach to individuals described in <sup>3</sup>[paragraph (1)]  
 3 subsection b.<sup>3</sup> of this <sup>3</sup>[subsection] section<sup>3</sup>, using methods that  
 4 may include written notices and the provision of individualized  
 5 assistance by insurance agents and brokers, navigators, tax  
 6 preparers, and contractors and staff.

7       <sup>3</sup>[(3)]<sup>3</sup> Notwithstanding any other provision of this act, the  
 8 Department of Banking and Insurance may compensate an entity for  
 9 outreach described in <sup>3</sup>[paragraph (2) of]<sup>3</sup> this subsection in a  
 10 manner that reflects, in whole or in part, the number of individuals  
 11 enrolled under this section and section <sup>3</sup>[4] 3<sup>3</sup> of this act by that  
 12 entity or any other reasonable manner<sup>3</sup>.

13  
 14       <sup>3</sup>[7.] 5.<sup>3</sup> a. The Department of Banking and Insurance shall  
 15 develop data privacy and data security safeguards to govern the  
 16 conveyance, storage, and utilization of data under the program.

17       b. The safeguards developed under subsection a. of this section  
 18 shall ensure that the conveyance, storage, and utilization of data  
 19 under the program comply with applicable requirements of federal  
 20 and State law.

21  
 22       <sup>3</sup>[8.] 6.<sup>3</sup> a. If a State income tax return indicates that an  
 23 individual is <sup>3</sup>[uninsured] not covered under minimum essential  
 24 coverage<sup>3</sup> at the time the tax return is filed, consistent with the  
 25 provisions of P.L.2018, c.31 (C.54A:11-1 et seq.), the tax return  
 26 shall include the following information as to <sup>3</sup>[the uninsured] each  
 27 such<sup>3</sup> individual included in the tax return<sup>3</sup>:

28       (1) the age of each individual;

29       (2) election by the individual filing the tax return of one of the  
 30 two checkoff boxes described in subsection c. of this section <sup>3</sup>for  
 31 each individual included in the tax return<sup>3</sup>;

32       (3) if the individual who files a tax return chooses the checkoff  
 33 box described in paragraph (3) of subsection c. of this section, any  
 34 information determined by the <sup>3</sup>[program] department<sup>3</sup> as essential  
 35 to determining eligibility for insurance affordability assistance <sup>3</sup>for  
 36 the individual filing the tax return or any individual included in the  
 37 tax return<sup>3</sup>, if the information:

38       (a) is not available from a reliable third-party data source;

39       (b) is not otherwise required to be provided on the return; and

40       (c) does not pertain to citizenship or immigration status; and

41       (4) notification of the potential waiver <sup>1</sup>of<sup>1</sup> the State shared  
 42 responsibility tax pursuant to subsection d. of this section.

43       b. For an individual who files a tax return and chooses the  
 44 checkoff box described in paragraph (3) of subsection c. of this  
 45 section, the return <sup>3</sup>[shall give] or separate form shall facilitate the  
 46 collection of contact information, including a phone number,

1 electronic mail address, and mailing address, from<sup>3</sup> the individual  
2 who filed the tax return <sup>3</sup>**[the]** and provide an<sup>3</sup> option to indicate  
3 the individual's preferred method for the <sup>3</sup>**[program]** department<sup>3</sup> to  
4 contact the individual who filed the tax return to facilitate either  
5 determination of eligibility for insurance affordability assistance or  
6 enrollment in <sup>3</sup>**[health]** minimum essential<sup>3</sup> coverage.

7 c. (1) In accordance with this section, the State Treasurer shall  
8 include with the income tax return form a separate form that is  
9 required only for individuals who file a tax return indicating that an  
10 individual included in the tax return<sup>3</sup> is <sup>3</sup>**[uninsured]** not covered  
11 under minimum essential coverage<sup>3</sup> at the time the tax return is  
12 filed.

13 (2) The separate form shall include two checkoff boxes as  
14 described in paragraphs (3) and (4) of this subsection for each  
15 individual included in the tax return<sup>3</sup> and the information described  
16 in paragraphs (2) and (3) of subsection a. and in subsection b.<sup>3</sup> of  
17 this section.

18 (3) One checkoff box shall give an individual who files a tax  
19 return the choice to have the <sup>3</sup>**[program]** department<sup>3</sup>:

20 (a) based on information in the individual's tax return,  
21 determine <sup>3</sup>**[the individual's eligibility for insurance affordability**  
22 **assistance]** eligibility for insurance affordability assistance for the  
23 individual filing the tax return and any other individual included in  
24 that tax return who does not have minimum essential coverage<sup>3</sup>; and

25 (b) obtain additional data that may be relevant to determine  
26 <sup>3</sup>**[the individual's]** eligibility for insurance affordability assistance  
27 for the individual filing the tax return and any other individual  
28 included in that tax return who does not have minimum essential  
29 coverage<sup>3</sup>.

30 (4) One checkoff box shall allow an individual who files a tax  
31 return the choice to not have the <sup>3</sup>**[program]** department<sup>3</sup> make the  
32 determination described in paragraph (3) of this subsection for the  
33 individual filing the tax return and any other individual included in  
34 that tax return who does not have minimum essential coverage<sup>3</sup>.

35 (5) The State Treasurer, in consultation with the Department of  
36 Banking and Insurance <sup>3</sup>**[and with the advice of the workgroup]**<sup>3</sup>,  
37 shall:

38 (a) develop language for the checkoff boxes described in  
39 paragraphs (3) and (4) of this subsection;

40 (b) develop language for the instructions for the State income  
41 tax return that includes a description of the effects of choosing the  
42 checkoff boxes described in paragraphs (3) and (4) of this  
43 subsection, including the purposes for which the information  
44 disclosed under this section may be used; and



(c) ensure that the language developed under subparagraph (a) of this paragraph is as simple, clear, and easy to understand as possible.

(6) If an individual who files a tax return makes the election described in paragraph (3) of this subsection, the State Treasurer shall convey to the <sup>3</sup>[program] department<sup>3</sup> all <sup>3</sup>[insurance-relevant] eligibility-relevant<sup>3</sup> information contained on the return <sup>3</sup>for all individuals included in that tax return<sup>3</sup>.

d. The State Treasurer shall waive the State shared responsibility tax imposed pursuant to section 3 of P.L.2018, c.31 (C.54A:11-3) <sup>3</sup>applicable to months of the year that the tax return is filed<sup>3</sup> for any taxpayer who chooses the checkoff box described in paragraph (3) of subsection c. of this section. If the taxpayer fails to enroll in <sup>3</sup>[health benefits] minimum essential<sup>3</sup> coverage and maintain that coverage in each month following the enrollment period, the taxpayer shall be liable for any payments to which the taxpayer would have otherwise been subject.

e. The State Treasurer shall coordinate the requirements of this subsection with the requirements of the "New Jersey Health Insurance Market Preservation Act," P.L.2018, c.31 (C.54A:11-1 et seq.).

<sup>3</sup>[29.] 7.<sup>3</sup> a. An individual that consents to share information through the system established pursuant to section <sup>3</sup>[10] 8<sup>3</sup> of this act shall be eligible for a special enrollment period pursuant to subsection b. of this section. The <sup>3</sup>[program] Department of Banking and Insurance<sup>3</sup> shall determine, in accordance with sections <sup>3</sup>[4 through 6] 3 and 4<sup>3</sup> of this act, whether the individual is eligible for the State Medicaid program or the NJ FamilyCare Program, premium tax credits, or cost-sharing reductions.

b. (1) <sup>3</sup>[A] The Department of Banking and Insurance shall establish a<sup>3</sup> special enrollment period for the New Jersey <sup>3</sup>[Individual Health Coverage Program shall begin on the date the program sends notice of eligibility to the individual.] individual health insurance market.<sup>3</sup>

(2) The enrollment period described in this section shall last for a period of time, to be determined by the Department of Banking and Insurance <sup>3</sup>[before the start of the calendar year]<sup>3</sup>, that shall not be shorter than 30 days.

c. <sup>3</sup>[(1)]<sup>3</sup> The Department of Banking and Insurance shall conduct outreach to affected individuals, using methods that may include written notices and the provision of individualized assistance by insurance agents and brokers, navigators, tax preparers, and contractors and staff.

<sup>3</sup>[(2)] Notwithstanding any other provision of this act, the Department of Banking and Insurance may compensate an entity for

1 outreach described in paragraph (1) of this subsection in a manner  
2 that reflects, in whole or in part, the number of individuals enrolled  
3 under this section by that entity.】<sup>3</sup>  
4

5 <sup>3</sup>【10.】 8. <sup>3</sup> a. <sup>3</sup>【On or before September 1, 2021, the】 The<sup>3</sup>  
6 Department of Labor and Workforce Development shall <sup>3</sup>【begin  
7 implementing】 implement<sup>3</sup> a system through which an individual  
8 who has filed a claim for unemployment insurance benefits may<sup>3</sup>,  
9 as part of the claim filing application, indicate that the individual is  
10 interested in obtaining minimum essential coverage and<sup>3</sup> consent  
11 <sup>3</sup>【, as part of a weekly claim certification,】<sup>3</sup> to the sharing of  
12 relevant information collected by the Department of Labor and  
13 Workforce Development with the <sup>3</sup>【program, the State-based  
14 exchange established pursuant to P.L.2019, c.141 (C.17B:27A-57 et  
15 seq.), the】<sup>3</sup> Department of Banking and Insurance<sup>3</sup>【,】<sup>3</sup> and the  
16 Department of Human Services to determine whether the individual  
17 qualifies for the State Medicaid program or the NJ FamilyCare  
18 Program, or any other insurance affordability assistance <sup>3</sup>and to  
19 support minimum essential coverage outreach and enrollment  
20 efforts. If an individual indicates that the individual is interested in  
21 obtaining minimum essential coverage and consents to share  
22 information pursuant to this subsection, then the Department of  
23 Labor and Workforce Development shall notify the Department of  
24 Banking and Insurance, which may assess or determine, as  
25 appropriate, eligibility for insurance affordability assistance or  
26 make, or refer to the Department of Human Services to make, an  
27 assessment or determination, as appropriate, of eligibility for the  
28 State Medicaid program or the NJ FamilyCare Program<sup>3</sup>.

29 b. The Department of Labor and Workforce Development shall  
30 enter into an agreement with <sup>3</sup>【the State-based exchange,】<sup>3</sup> the  
31 Department of Banking and Insurance<sup>3</sup>【,】<sup>3</sup> and the Department of  
32 Human Services, before the system described in subsection a. of  
33 this section begins to operate, that enables the system to operate in  
34 compliance with all applicable State and federal requirements  
35 related to privacy, data security, and funding.

36 c. The consent request described in subsection a. of this section  
37 shall be prominently placed on the <sup>3</sup>【weekly claim certification  
38 form,】 claim filing application<sup>3</sup> in clear and understandable  
39 language that is easy to read.

40 d. The Department of Labor and Workforce Development shall  
41 cooperate with <sup>3</sup>【the State-based exchange,】<sup>3</sup> the Department of  
42 Banking and Insurance<sup>3</sup>【,】<sup>3</sup> and the Department of Human Services  
43 to claim the maximum amount of available federal funding for the  
44 establishment and operation of the system established pursuant to  
45 this section.

1 e. To facilitate the most efficient implementation of the system,  
2 the Commissioner of Banking and Insurance, the Commissioner of  
3 Human Services, and the Commissioner of Labor and Workforce  
4 Development may enter into agreements, adopt regulations and  
5 guidelines, establish accounts, conduct trainings, provide public  
6 information, educate tax preparers, and take any other steps as may  
7 be necessary to accomplish the purpose of the system.<sup>2</sup>  
8

9 <sup>3</sup>9. Section 2 of P.L.2019, c.141 (C.17B:27A-58) is amended to  
10 read as follows:

11 2. a. Notwithstanding any other law to the contrary, the  
12 Department of Banking and Insurance shall have the authority to  
13 operate a State-based exchange and coordinate the operations of the  
14 exchange with the operations of the New Jersey Individual Health  
15 Coverage Program and the New Jersey Small Employer Health  
16 Benefits Program, including reorganization of the boards, as the  
17 commissioner deems appropriate. The department's authority to  
18 regulate the insurance market shall be separate and distinct from the  
19 department's duty to oversee exchange operations, to ensure the best  
20 interests of and protection for consumers of the State. The  
21 commissioner may require that all plans in the individual and small  
22 employer markets be made available for comparison on the State-  
23 based exchange, but nothing in this section shall allow the  
24 commissioner to require all plans in the individual and small  
25 employer markets to be purchased exclusively on the State-based  
26 exchange. The department shall coordinate the operations of the  
27 exchange with the operations of the State Medicaid program  
28 established pursuant to P.L.1968, c.413 (C.30:4D-1 et seq.) and the  
29 NJ FamilyCare Program established pursuant to P.L.2005, c.156  
30 (C.30:4J-8 et al.) to determine eligibility for those programs as soon  
31 as practicable.

32 b. The Commissioner of Human Services, in consultation with  
33 the Commissioner of Banking and Insurance, shall submit a  
34 proposal for available federal financial participation funds to the  
35 Centers for Medicare & Medicaid Services of the U.S. Department  
36 of Health and Human Services pursuant to 42 C.F.R. 433.112 for  
37 the Medicaid eligibility platform and the exchange to be integrated.  
38 Notwithstanding the foregoing, the Department of Banking and  
39 Insurance may proceed to implement the provisions of this act,  
40 including the operation of the State-based exchange.

41 c. The Commissioner of Banking and Insurance shall have the  
42 authority to require that plans offered on the exchange conform  
43 with standardized plan designs that provide for standardized cost-  
44 sharing for covered health services.

45 d. The Commissioner of Banking and Insurance shall establish  
46 an advisory committee to provide advice to the commissioner  
47 concerning the operation of the exchange and the implementation of  
48 the New Jersey Easy Enrollment Health Insurance Program

1 established pursuant to P.L. , c. (C. ) (pending before the  
2 Legislature as this bill). The advisory committee shall include at  
3 least nine members, as follows:

4 (1) The Commissioner of Banking and Insurance, or a designee,  
5 who shall serve ex-officio;

6 (2) The Commissioner of Human Services, or a designee, who  
7 shall serve ex-officio;

8 (3) the Commissioner of Health, or a designee, who shall serve  
9 ex-officio; and

10 (4) six public members, who shall be residents of the State,  
11 appointed by the Commissioner of Banking and Insurance. Each  
12 public member shall have demonstrated experience in one or more  
13 of the following areas: health insurance consumer advocacy;  
14 individual health insurance coverage; small employer health  
15 insurance coverage; health benefits plan marketing; the provision of  
16 health care services; or academic or professional research relating  
17 to health insurance.

18 (cf: P.L.2019, c.141, s.2)<sup>3</sup>

19

20 <sup>3</sup>10. R.S.54:50-9 is amended to read as follows:

21 54:50-9. Nothing herein contained shall be construed to prevent:

22 a. The delivery to a taxpayer or the taxpayer's duly authorized  
23 representative of a copy of any report or any other paper filed by  
24 the taxpayer pursuant to the provisions of this subtitle or of any  
25 such State tax law;

26 b. The publication of statistics so classified as to prevent the  
27 identification of a particular report and the items thereof;

28 c. The director, in the director's discretion and subject to  
29 reasonable conditions imposed by the director, from disclosing the  
30 name and address of any licensee under any State tax law, unless  
31 expressly prohibited by such State tax law;

32 d. The inspection by the Attorney General or other legal  
33 representative of this State of the reports or files relating to the  
34 claim of any taxpayer who shall bring an action to review or set  
35 aside any tax imposed under any State tax law or against whom an  
36 action or proceeding has been instituted in accordance with the  
37 provisions thereof;

38 e. The examination of said records and files by the  
39 Comptroller, State Auditor or State Commissioner of Finance, or by  
40 their respective duly authorized agents;

41 f. The furnishing, at the discretion of the director, of any  
42 information contained in tax reports or returns or any audit thereof  
43 or the report of any investigation made with respect thereto, filed  
44 pursuant to the tax laws, to the taxing officials of any other state,  
45 the District of Columbia, the United States and the territories  
46 thereof, providing said jurisdictions grant like privileges to this  
47 State and providing such information is to be used for tax purposes  
48 only;

1 g. The furnishing, at the discretion of the director, of any  
2 material information disclosed by the records or files to any law  
3 enforcing authority of this State who shall be charged with the  
4 investigation or prosecution of any violation of the criminal  
5 provisions of this subtitle or of any State tax law;

6 h. The furnishing by the director to the State agency  
7 responsible for administering the Child Support Enforcement  
8 program pursuant to Title IV-D of the federal Social Security Act,  
9 Pub.L.93-647 (42 U.S.C. s.651 et seq.), with the names, home  
10 addresses, social security numbers and sources of income and assets  
11 of all absent parents who are certified by that agency as being  
12 required to pay child support, upon request by the State agency and  
13 pursuant to procedures and in a form prescribed by the director;

14 i. The furnishing by the director to the Board of Public  
15 Utilities any information contained in tax information statements,  
16 reports or returns or any audit thereof or a report of any  
17 investigation made with respect thereto, as may be necessary for the  
18 administration of P.L.1991, c.184 (C.54:30A-18.6 et al.) and  
19 P.L.1997, c.162 (C.54:10A-5.25 et al.);

20 j. The furnishing by the director to the Director of the Division  
21 of Alcoholic Beverage Control in the Department of Law and  
22 Public Safety any information contained in tax information  
23 statements, reports or returns or any audit thereof or a report of any  
24 investigation made with respect thereto, as may be relevant, in the  
25 discretion of the director, in any proceeding conducted for the  
26 issuance, suspension or revocation of any license authorized  
27 pursuant to Title 33 of the Revised Statutes;

28 k. The inspection by the Attorney General or other legal  
29 representative of this State of the reports or files of any tobacco  
30 product manufacturer, as defined in section 2 of P.L.1999, c.148  
31 (C.52:4D-2), for any period in which that tobacco product  
32 manufacturer was not or is not in compliance with subsection a. of  
33 section 3 of P.L.1999, c.148 (C.52:4D-3), or of any licensed  
34 distributor as defined in section 102 of P.L.1948, c.65 (C.54:40A-  
35 2), for the purpose of facilitating the administration of the  
36 provisions of P.L.1999, c.148 (C.52:4D-1 et seq.);

37 l. The furnishing, at the discretion of the director, of  
38 information as to whether a contractor or subcontractor holds a  
39 valid business registration as defined in section 1 of P.L.2001, c.134  
40 (C.52:32-44);

41 m. The furnishing by the director to a State agency as defined in  
42 section 1 of P.L.1995, c.158 (C.54:50-24) the names of licensees  
43 subject to suspension for non-payment of State tax indebtedness  
44 pursuant to P.L.2004, c.58 (C.54:50-26.1 et al.);

45 n. The release to the United States Department of the Treasury,  
46 Bureau of Financial Management Service, or its successor of  
47 relevant taxpayer information for purposes of implementing a  
48 reciprocal collection and offset of indebtedness agreement entered

1 into between the State of New Jersey and the federal government  
2 pursuant to section 1 of P.L.2006, c.32 (C.54:49-12.7);

3 o. The examination of said records and files by the  
4 Commissioner of Health and Senior Services, the Commissioner of  
5 Human Services, the Medicaid Inspector General, or their  
6 respective duly authorized agents, pursuant to section 5 of  
7 P.L.2007, c.217 (C.26:2H-18.60e), section 3 of P.L.1968, c.413  
8 (C.30:4D-3), or section 5 of P.L.2005, c.156 (C.30:4J-12);

9 p. The furnishing at the discretion of the director of employer  
10 provided wage and tax withholding information contained in tax  
11 reports or returns filed pursuant to N.J.S.54A:7-2, 54A:7-4 and  
12 54A:7-7, to the designated municipal officer of a municipality  
13 authorized to impose an employer payroll tax pursuant to the  
14 provisions of Article 5 (Employer Payroll Tax) of the "Local Tax  
15 Authorization Act," P.L.1970, c.326 (C.40:48C-14 et seq.), for the  
16 limited purpose of verifying the payroll information reported by  
17 employers subject to the employer payroll tax;

18 q. The furnishing by the director to the Commissioner of Labor  
19 and Workforce Development of any information, including, but not  
20 limited to, tax information statements, reports, audit files, returns,  
21 or reports of any investigation for the purpose of labor market  
22 research or assisting in investigations pursuant to any State wage,  
23 benefit or tax law as enumerated in section 1 of P.L.2009, c.194  
24 (C.34:1A-1.11); or pursuant to P.L.1940, c.153 (C.34:2-  
25 21.1 et seq.).

26 r. The furnishing by the director to the New Jersey Economic  
27 Development Authority any information contained in tax  
28 information statements, reports or returns, or any audit thereof or a  
29 report of any investigation made with respect thereto, as may be  
30 relevant to assist the authority in the implementation of programs  
31 through which grants, loans, tax credits, or other forms of financial  
32 assistance are provided. The director shall provide to the New  
33 Jersey Economic Development Authority, upon request, such  
34 information.

35 s. The furnishing by the director to the Commissioner of  
36 Banking and Insurance of any information, including, but not  
37 limited to, tax information statements, reports, audit files, returns,  
38 or reports of any investigation for the purpose of assisting in  
39 investigations pursuant to any insurance fraud investigation as  
40 enumerated in P.L.1983, c.320 (C.17:33A-1 et seq.).

41 t. The furnishing by the director to the Commissioner of Banking  
42 and Insurance or the Commissioner of Human Services of any  
43 information contained in tax reports or returns for the purpose of  
44 determining a taxpayer's eligibility for insurance affordability  
45 assistance, the State Medicaid program, or the NJ FamilyCare  
46 Program and to otherwise support minimum essential coverage  
47 outreach and enrollment efforts.

48 (cf: P.L.2021, c.167, s.6)<sup>3</sup>

- 1       <sup>2</sup>[9.] <sup>11.</sup><sup>2</sup> <sup>3</sup>This act shall take effect immediately.<sup>3</sup>
- 2       a. <sup>3</sup>(1)<sup>3</sup> Except as provided in <sup>3</sup>paragraph (2) of this<sup>3</sup> subsection
- 3       <sup>3</sup>[b. of this section,] <sup>3</sup>, sections 2 through 6 of<sup>3</sup> this act <sup>3</sup>[shall take
- 4       effect immediately and]<sup>3</sup> shall apply to returns filed for taxable
- 5       years beginning after December 31, <sup>3</sup>[2020] <sup>3</sup>2021<sup>3</sup>.
- 6       <sup>3</sup>[b.] (2)<sup>3</sup> If the State Treasurer determines, after consultation
- 7       with the Department of Banking and Insurance <sup>3</sup>[<sup>2</sup>and the
- 8       Department of Labor and Workforce Development<sup>2</sup>]<sup>3</sup>, that the
- 9       implementation of <sup>3</sup>sections 2 through 6 of<sup>3</sup> this act is not
- 10      administratively feasible for taxable years beginning after
- 11      December 31, <sup>3</sup>[2020] <sup>3</sup>2021<sup>3</sup>, the Treasurer may delay
- 12      implementation of <sup>3</sup>sections 2 through 6 of<sup>3</sup> this act to <sup>3</sup>[taxable
- 13      years beginning after December 31, 2021] begin as soon as feasible
- 14      thereafter.
- 15      b. (1) Except as provided in paragraph (2) of this subsection,
- 16      sections 7 and 8 of this act shall apply to claims filed after the first
- 17      day of the fifth month next following the date of enactment.
- 18      (2) If the Department of Labor and Workforce Development
- 19      determines, after consultation with the Department of Banking and
- 20      Insurance, that the implementation of sections 7 and 8 of this act is
- 21      not administratively feasible beginning after the first day of the fifth
- 22      month next following the date of enactment, the Department of
- 23      Labor and Workforce Development may delay implementation of
- 24      sections 7 and 8 of this act to begin as soon as feasible thereafter<sup>3</sup>.