

**As Introduced**

**135th General Assembly**

**Regular Session**

**2023-2024**

**H. B. No. 400**

**Representatives Callender, Sweeney**

**Cosponsors: Representatives Baker, Isaacsohn, Brown, Denson, Carruthers,  
Brennan, Seitz, Piccolantonio, Rogers, Abrams, Thomas, C.**

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**A BILL**

To amend section 3923.33 and to enact section 1  
3923.3310 of the Revised Code to provide Medigap 2  
policies for Medicare-eligible individuals under 3  
the age of 65. 4

**BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF OHIO:**

**Section 1.** That section 3923.33 be amended and section 5  
3923.3310 of the Revised Code be enacted to read as follows: 6

**Sec. 3923.33.** As used in section 3923.33 and sections 7  
3923.331 to ~~3923.339~~3923.3310 of the Revised Code: 8

(A) "Applicant" means: 9

(1) In the case of an individual medicare supplement 10  
policy, the person who seeks to contract for insurance benefits; 11  
and 12

(2) In the case of a group medicare supplement policy, the 13  
proposed certificate holder. 14

(B) "Certificate" means, for purposes of section 3923.33 15  
and sections 3923.331 to 3923.339 of the Revised Code, any 16

certificate delivered or issued for delivery in this state under 17  
a group medicare supplement policy. 18

(C) "Certificate form" means the form on which the 19  
certificate is delivered or issued for delivery by the issuer. 20

(D) "Direct response insurance policy" means a medicare 21  
supplement policy or certificate marketed without the direct 22  
involvement of an insurance agent. 23

(E) "Issuer" includes insurance companies, fraternal 24  
benefit societies, health insuring corporations, and any other 25  
entities delivering or issuing for delivery in this state 26  
medicare supplement policies or certificates. 27

(F) "Medicare" means the "Health Insurance for the Aged 28  
Act," Title XVIII of the Social Security Amendments of 1965, 79 29  
Stat. 291, 42 U.S.C.A. 1395, as then constituted or later 30  
amended. 31

(G) "Medicare supplement policy" means a group or 32  
individual policy of sickness and accident insurance or a 33  
subscriber contract of health insuring corporations or any other 34  
issuers, other than a policy issued pursuant to a contract under 35  
section 1876 of the "Social Security Act," 49 Stat. 620 (1935), 36  
42 U.S.C.A., 1395mm, as amended, or an issued policy under any 37  
demonstration project specified in 42 U.S.C.A. 1395ss(g) (1), 38  
which is advertised, marketed, or designed primarily as a 39  
supplement to reimbursements under medicare for the hospital, 40  
medical, or surgical expenses of persons eligible for medicare. 41

(H) "Policy form" means the form on which the policy is 42  
delivered or issued for delivery by the issuer. 43

Sec. 3923.3310. (A) On and after January 1, 2025, any 44  
issuer that offers coverage under a medicare supplement plan to 45

individuals sixty-five years of age or older shall offer the 46  
same coverage to individuals younger than sixty-five years of 47  
age who are eligible for and enrolled in medicare by reason of 48  
disability or end stage renal disease. 49

(B) Any benefit, protection, policy, or procedure 50  
applicable to coverage under a plan for an individual sixty-five 51  
years or older shall also apply to coverage offered under this 52  
section. 53

(C) The premiums for coverage offered under this section 54  
to individuals who are sixty-four years of age or younger shall 55  
not be higher than the premiums for a medicare supplement plan 56  
offered to individuals sixty-five years of age. 57

(D) (1) Except as otherwise provided in division (D) (2) of 58  
this section, an issuer shall comply with sections 3923.33 to 59  
3923.339 of the Revised Code when issuing policies under this 60  
section. 61

(2) Notwithstanding any provision of the Revised Code to 62  
the contrary, a policy issued under this section shall not 63  
exclude or limit benefits for losses attributable to a 64  
preexisting condition. 65

(E) An issuer shall offer to individuals younger than 66  
sixty-five years of age who are eligible for and enrolled in 67  
medicare by reason of disability or end stage renal disease an 68  
open enrollment period for coverage offered under this section 69  
that begins January 1, 2025, and ends July 1, 2025. 70

(F) Each year, a person who is already covered under a 71  
policy issued under this section may, within sixty days of the 72  
person's date of birth, acquire a new medicare supplement policy 73  
offering the same coverage as the person's existing policy from 74

a different issuer.

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**Section 2.** That existing section 3923.33 of the Revised  
Code is hereby repealed.

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