

(g) Application to FEHBP

Notwithstanding any provision of chapter 89 of title 5, this section shall apply to health plans offered under the program under such chapter.

(h) Preemption

Notwithstanding any other provision of this chapter, nothing in this section shall preempt State laws that require a clinical trials policy for State regulated health insurance plans that is in addition to the policy required under this section..

(July 1, 1944, ch. 373, title XXVII, § 2709, as added Pub. L. 111-148, title X, § 10103(c), Mar. 23, 2010, 124 Stat. 892.)

Editorial Notes

CODIFICATION

Another section 2709 of act July 1, 1944, is classified to section 300gg-9 of this title.

PRIOR PROVISIONS

A prior section 2709 of act July 1, 1944, was successively renumbered by subsequent acts and transferred, see section 238h of this title.

§ 300gg-9. Disclosure of information**(a) Disclosure of information by health plan issuers**

In connection with the offering of any health insurance coverage to a small employer or an individual, a health insurance issuer—

(1) shall make a reasonable disclosure to such employer, or individual, as applicable,¹ as part of its solicitation and sales materials, of the availability of information described in subsection (b), and

(2) upon request of such a² employer, or individual, as applicable,¹ provide such information.

(b) Information described**(1) In general**

Subject to paragraph (3), with respect to a health insurance issuer offering health insurance coverage to a² employer, or individual, as applicable,¹ information described in this subsection is information concerning—

(A) the provisions of such coverage concerning issuer's right to change premium rates and the factors that may affect changes in premium rates; and

(B) the benefits and premiums available under all health insurance coverage for which the employer, or individual, as applicable, is qualified.

(2) Form of information

Information under this subsection shall be provided to employers, or individuals, as applicable, in a manner determined to be understandable by the average employer, or individual, as applicable,¹ and shall be sufficient to reasonably inform employers, or individuals, as applicable, of their rights and obligations under the health insurance coverage.

(3) Exception

An issuer is not required under this section to disclose any information that is proprietary

and trade secret information under applicable law.

(July 1, 1944, ch. 373, title XXVII, § 2709, formerly § 2713, as added Pub. L. 104-191, title I, § 102(a), Aug. 21, 1996, 110 Stat. 1966; renumbered § 2733, renumbered § 2709, and amended Pub. L. 111-148, title I, §§ 1001(3), 1563(c)(10), formerly § 1562(c)(10), title X, § 10107(b)(1), Mar. 23, 2010, 124 Stat. 130, 268, 911.)

Editorial Notes

CODIFICATION

Section was formerly classified to section 300gg-13 of this title prior to renumbering by Pub. L. 111-148.

Another section 2709 of act July 1, 1944, is classified to section 300gg-8 of this title.

PRIOR PROVISIONS

A prior section 2709 of act July 1, 1944, was successively renumbered by subsequent acts and transferred, see section 238h of this title.

AMENDMENTS

2010—Subsec. (a). Pub. L. 111-148, § 1563(c)(10)(A), formerly § 1562(c)(10)(A), as renumbered by Pub. L. 111-148, § 10107(b)(1), in introductory provisions substituted “small employer or an individual” for “small employer”, in par. (1) inserted “, or individual, as applicable,” after “employer”, and in par. (2) substituted “employer, or individual, as applicable,” for “small employer”.

Subsec. (b)(1). Pub. L. 111-148, § 1563(c)(10)(B)(i), formerly § 1562(c)(10)(B)(i), as renumbered by Pub. L. 111-148, § 10107(b)(1), in introductory provisions substituted “employer, or individual, as applicable,” for “small employer”, in subpar. (A), inserted “and” at end, struck out subpars. (B) and (C) which related to provisions of coverage relating to renewability of coverage and preexisting condition exclusions, respectively, in subpar. (D), inserted “, or individual, as applicable,” after “employer”, and redesignated subpar. (D) as (B).

Subsec. (b)(2). Pub. L. 111-148, § 1563(c)(10)(B)(ii), formerly § 1562(c)(10)(B)(ii), as renumbered by Pub. L. 111-148, § 10107(b)(1), substituted “employer, or individual, as applicable,” for “small employer” and “employers, or individuals, as applicable,” for “small employers” in two places.

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE

Section applicable with respect to group health plans, and health insurance coverage offered in connection with group health plans, for plan years beginning after June 30, 1997, except as otherwise provided, see section 102(c) of Pub. L. 104-191, set out as a note under section 300gg of this title.

SUBPART II—IMPROVING COVERAGE

Editorial Notes

PRIOR PROVISIONS

A prior subpart 2, consisting of sections 300gg-4 to 300gg-7, related to other requirements, prior to repeal of the subpart designation and heading and transfer of sections 300gg-4 to 300gg-7 to 300gg-25 to 300gg-28, respectively, of this title by Pub. L. 111-148, title I, §§ 1001(2), 1563(c)(2), formerly § 1562(c)(2), title X, § 10107(b)(1), Mar. 23, 2010, 124 Stat. 130, 265, 911.

Another prior subpart 2, consisting of sections 300gg-11 to 300gg-13, related to provisions applicable only to health insurance issuers, was redesignated subpart 3 of this part by Pub. L. 104-204, title VI, § 604(a)(2), Sept. 26, 1996, 110 Stat. 2939.

¹ So in original.

² So in original. Probably should be “an”.