



State of Wisconsin
2023 - 2024 LEGISLATURE

LRB-2674/1
JPC:emw

2023 ASSEMBLY BILL 367

July 27, 2023 - Introduced by Representatives MOSES, BROOKS, ALLEN, GUSTAFSON, CALLAHAN, KITCHENS, VANDERMEER, RETTINGER, TRANEL, PALMERI, SCHRAA and STEFFEN, cosponsored by Senators CABRAL-GUEVARA, FEYEN, HUTTON and TESTIN. Referred to Committee on Insurance.

- 1 **AN ACT** *to create* 610.63 of the statutes; **relating to:** permitted electronic
2 transmissions under employer-sponsored health insurance policies and plans.

Analysis by the Legislative Reference Bureau

This bill allows an insurer or health maintenance organization to agree to deliver all communications related to an employer-sponsored group health benefit plan, group health plan, or, if provided under a separate policy, certificate, or contract of insurance, limited scope-dental or vision benefits to persons covered under such a policy or plan by electronic means when the person's employer consents to electronic delivery. In order to consent to electronic delivery, the employer must confirm that each employee covered under the policy or plan routinely uses electronic communications during the normal course of employment, was given an opportunity to opt out of delivery by electronic means, and will be given an opportunity to opt out of delivery by electronic means on an annual basis. Under current law, an insurer may deliver notices and documents to a party by electronic means if certain conditions are satisfied, including that the party affirmatively consented to that method of delivery and, before the party gave consent, the insurer provided the party with a clear and conspicuous statement informing the party of the right or option to have notices and documents provided or made available in paper or another nonelectronic form and the right of the party to withdraw their consent to have notices and documents delivered to them by electronic means.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

ASSEMBLY BILL 367**SECTION 1**

1 **SECTION 1.** 610.63 of the statutes is created to read:

2 **610.63 Permitted insurance plan electronic transmissions.** (1) In this
3 section:

4 (a) “Covered person” means an individual that receives health benefits through
5 an employer-sponsored group health benefit plan, group health plan, or, if provided
6 under a separate policy, certificate, or contract of insurance, limited scope-dental or
7 vision benefits.

8 (b) “Employer” has the meaning given in s. 632.745 (6).

9 (c) “Group health benefit plan” has the meaning given in s. 632.745 (9).

10 (d) “Group health plan” has the meaning given in s. 632.745 (10).

11 (e) “Health maintenance organization insurer” has the meaning given in s.
12 600.03 (23c).

13 (f) “Insurer” has the meaning given in s. 600.03 (27).

14 **(2)** (a) Notwithstanding s. 610.60 (3) (a), an insurer or health maintenance
15 organization insurer may agree to deliver all communications related to an
16 insurance policy, plan, or contract to a covered person by electronic means when the
17 covered person’s employer consents to electronic delivery of documents on behalf of
18 the covered person under the insurance policy, plan, or contract pursuant to par. (b).

19 (b) An employer may consent to the delivery of all communications related to
20 an insurance policy, plan, or contract to covered persons by electronic means if the
21 employer confirms all of the following for each covered person:

22 1. The covered person routinely uses electronic communications during the
23 normal course of employment.

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1 2. The covered person was given an opportunity to opt out of delivery by
2 electronic means and will be given an opportunity to opt out of delivery by electronic
3 means on an annual basis.

4 (c) An employer that consents to the delivery of all communications related to
5 an insurance policy, plan, or contract by electronic means under par. (b) must confirm
6 that all new covered persons will routinely use electronic communications during the
7 normal course of employment and be given an opportunity to opt out of delivery by
8 electronic means when added to the insurance policy, plan, or contract.

9 (d) Insurers and health maintenance organization insurers shall document
10 compliance under this section.

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(END)