

State of Wisconsin



2023 Senate Bill 362

Date of enactment: **December 6, 2023**

Date of publication*: **December 7, 2023**

2023 WISCONSIN ACT 78

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

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

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

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

(a) “Covered person” means an individual that receives health benefits through 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.

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

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

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

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

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

(2) (a) Notwithstanding s. 610.60 (3) (a), an insurer or health maintenance organization insurer may agree to deliver all communications related to an insurance policy, plan, or contract to a covered person by electronic means when the covered person’s employer consents to

electronic delivery of documents on behalf of the covered person under the insurance policy, plan, or contract pursuant to par. (b).

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

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

2. The covered person 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.

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

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

* Section 991.11, WISCONSIN STATUTES: Effective date of acts. “Every act and every portion of an act enacted by the legislature over the governor’s partial veto which does not expressly prescribe the time when it takes effect shall take effect on the day after its date of publication.”