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# 42 U.S. Code § 300gg-44

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## State flexibility in individual market reforms

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### **(a) Waiver of requirements where implementation of acceptable alternative mechanism**

#### **(1) In general**

The requirements of section 300gg-41 of this title shall not apply with respect to health insurance coverage offered in the individual market in the State so long as a State is found to be implementing, in accordance with this section and consistent with section 300gg-62(b) of this title, an alternative mechanism (in this section referred to as an “acceptable alternative mechanism”)—

- (A) under which all eligible individuals are provided a choice of health insurance coverage;
- (B) under which such coverage does not impose any preexisting condition exclusion with respect to such coverage;
- (C) under which such choice of coverage includes at least one policy form of coverage that is comparable to comprehensive health insurance coverage offered in the individual market in such State or that is comparable to a standard option of coverage available under the group or individual health insurance laws of such State; and
- (D) in a State which is implementing—
  - (i) a model act described in subsection (c)(1),
  - (ii) a qualified high risk pool described in subsection (c)(2), or
  - (iii) a mechanism described in subsection (c)(3).

#### **(2) Permissible forms of mechanisms**

A private or public individual health insurance mechanism (such as a health insurance coverage pool or programs, mandatory group conversion policies, guaranteed issue of one or more plans of individual health insurance coverage, or open enrollment by one or more health insurance issuers), or combination of such mechanisms, that is designed to provide access to health benefits for individuals in the individual market in the State in accordance with this section may constitute an acceptable alternative mechanism.

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