

Note from the Codifier: The OAH website includes notices and the text of proposed temporary rules as required by G.S. 150B-21.1(a1). Prior to the agency adopting the temporary rule, the agency must hold a public hearing no less than five days after the rule and notice have been published and must accept comments for at least 15 business days.
For questions, you may contact the Office of Administrative Hearings at 984-236-1850 or email oah.postmaster@oah.nc.gov.

TITLE 11 – DEPARTMENT OF INSURANCE

Notice is hereby given in accordance with G.S. 150B-21.1(a3) that the Department of Insurance intends to amend the rule cited as 11 NCAC 18.0102.

Codifier of Rules received for publication the following notice and proposed temporary rule(s) on: January 14, 2025.

Public Hearing:

Date: January 31, 2025

Time: 10:00 a.m.

Location: NC Department of Insurance, 3200 Beechleaf Ct., Raleigh, NC 27604 (Hearing Room 211)

Reason for Proposed Temporary Action: The effective date of a recent act of the General Assembly or of the U.S. Congress, cite: S.L. 2024-57, Subpart 111-G, effective date: January 1, 2025. The amendment is necessary to make 11 NCAC 18.0102 conform with the amendments to GS 58-50A-70 contained in Section 3G.1.(b) of SL 2024-57 which allow a statewide chamber of commerce or business league meeting the additional requirements of the amended statute to form a multiple employer welfare arrangement.

Comment Procedures: Comments from the public shall be directed to: Alisha Benjamin, Rulemaking Coordinator, 1201 Mail Service Center, Raleigh, NC 27699-1201; email NCDOI.Rulemaking@ncdoi.gov. The comment period begins January 21, 2025 and ends February 14, 2025.

CHAPTER 18 - MULTIPLE EMPLOYER WELFARE ARRANGEMENTS

11 NCAC 18.0102 GENERAL ELIGIBILITY

(a) Each MEWA shall provide to the Commissioner adequate documentation that the exemption under Section 501(c) or Section 501(c)(6) of the Internal Revenue Code has been granted, or that the MEWA will operate solely for the benefit of the members of the MEWA. Any profits from the operation of the MEWA shall be invested in securities as allowed by G.S. 58-7-160 through G.S. 58-7-200, and the interest or other profits accrued or received thereon shall be used to provide rate stability or provide other such benefits for the members to which the trustees and the Commissioner agree; and the trust agreement shall so state.

(b) Each MEWA shall be established by a trade association, industry association, ~~or professional association.~~ professional association, or chamber association.

(c) As used in this Rule:

- (1) "Industry association" means member employers who are in the same major group code, as defined by the Standard Industrial Classification Manual issued by the Executive Office of the President, Office of Management and Budget; unless restricted by Subparagraph (c)(2) or (3) of this Rule.
- (2) "Professional association" means member employers who are of the same type of profession, such as physicians, dentists, accountants, lawyers, or architects; but is not limited to those professions. However, the profession must be one that is recognized by the required licensing agency.
- (3) "Trade association" means member employers who are in the same type of trade, such as plumbers or electricians; and any others that are trade designations as recognized by the required licensing agency.
- (4) "Chamber association" means a statewide chamber of commerce or business league that meets all of the criteria listed in G.S. 58-50A-70(a)(2)c..

(d) The feasibility study required by G.S. ~~58-49-50(7)~~ 58-50A-80(7) shall disclose all material assumptions.

Authority G.S. 58-2-40(1); ~~58-49-40; 58-49-50;~~ 58-50A-70, 58-50A-80.