



Beyond COBRA: state laws add complexity to continuation coverage

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The [Consolidated Omnibus Budget Reconciliation Act](#) (COBRA) has endured for decades. Less familiar is COBRA's sidekick: state continuation laws. These laws (often referred to as "mini-COBRA" laws), fill in COBRA's gaps, particularly for small employers offering fully insured group health plans as well as fully-insured large-employer group health plans (often referred to as "post-COBRA" laws), where coverage is required beyond COBRA's normal time frames. This GRIST summarizes the major aspects of state continuation requirements — including a comparison and interaction with COBRA rules and useful tables encapsulating applicable laws in each state. Of particular importance are four states that have enacted post-COBRA laws applying to all fully-insured group health insurance policies in those states.

Generally, state continuation laws apply only to fully insured plans subject to a particular state's law. With some exceptions, these laws do not apply to self-funded group health plans.

COBRA preemption and coordination with state continuation laws

Statutory framework. COBRA applies to private-sector employers employing 20 or more employees on a typical business day in the prior calendar year (called "large employers"), as well as federal, state and local government employers. Therefore, COBRA's large-employer determination takes effect each Jan.

1. Effective in 1986, COBRA amended three parts of federal law:

- [Employee Retirement Income Security Act \(ERISA\)](#). The Employee Benefits Security Administration (EBSA), a division of the Department of Labor (DOL), enforces COBRA notice requirements for group health plans offered in the private sector; see the [final regulations](#). [Failures](#)

are subject to a daily penalty of up to \$110 per qualified beneficiary. For details, see [Final COBRA notice rules issued](#) (July 2, 2004); see also [DOL releases model COBRA subsidy notices and forms](#) (April 20, 2021). EBSA and participants may seek ERISA penalties and remedies for COBRA violations.

- **Internal Revenue Code (the Code).** The Internal Revenue Service (IRS) enforces COBRA coverage and payment issues for private-employer group health plans; see the [final regulations](#). [Failures](#) are subject to a daily excise tax — equal to \$100 per qualified beneficiary (\$200 maximum) — and are reported on [Form 8928](#).
- **Public Health Service Act (PHSA).** The Centers for Medicare and Medicaid Services (CMS) enforces COBRA for group health plans offered by state and local governmental employers. CMS has not issued final regulations; a [House conference report connected with the law](#) directed any regulations to “conform (in terms of actual requirements) with those regulations issued by the Secretary of the Treasury and Labor.” Federal government employees technically do not have COBRA rights, but the Federal Employees Health Benefits Plan has provided COBRA-like coverage since 1990 under a [temporary continuation of coverage program](#).

Preemption and coordination. Even though COBRA does not expressly preempt state laws, ERISA preemption applies because COBRA is a part of ERISA. Under [§ 514](#), ERISA supersedes “any and all State laws insofar as they may now or hereafter relate to any employee benefit plan.” An exception exists for state laws regulating insurance. By contrast, the PHSA does not have an express preemption provision for group health plans offered by state and local governmental employers. In [2004 guidance](#), CMS stated two positions relevant to state continuation laws:

- “[A]bsent a conflict between federal and state law, public sector COBRA requirements (title XXII of the PHS Act) do not preempt state law.”
- “CMS has only advisory jurisdiction with respect to COBRA as it applies to state and local government employers and their group health plans.”

A discussion of ERISA preemption doctrine is beyond the scope of this GRIST; for details, see [A primer on ERISA’s preemption of state laws](#) (March 22, 2022).

Several principles flow from COBRA’s preemption of state continuation laws:

- **Application of state continuation laws to self-funded plans.** State continuation laws generally do not apply to self-funded ERISA plans. Examples include self-funded medical and dental coverage, health flexible spending arrangements (health FSAs) and health reimbursement arrangements (HRAs). Some exceptions exist, though. For example, states may regulate self-funded multiple-employer welfare arrangements (MEWAs), self-funded nonfederal governmental plans and church plans. Otherwise, state continuation laws primarily apply to fully insured plans situated in that state.
- **During the COBRA coverage period.** These laws are preempted if intended to apply to large employers during the COBRA coverage period (up to 18, 29 or 36 months). However, if a state law

requires fully insured coverage that is better than COBRA, state law would likely apply to fully-insured group health plans issued in that state to the extent it does not contradict federal law. For example, a state law that requires a fully insured plan to charge a lower COBRA premium or offer COBRA to domestic partners enrolled in such plans would likely apply during the standard COBRA coverage period. For details, see [Domestic partner benefits remain popular but present challenges](#) (July 11, 2023). Any state compliance risk due to failure to comply would likely be borne by the insurer, not the employer.

- **Beyond the COBRA coverage period.** State continuation laws may require fully insured plans, even ones sponsored by large employers, to extend additional coverage beyond the duration required under COBRA rules. This does not create a preemption issue because the state continuation law applies to a period of coverage beyond COBRA requirements.
- **Employer notification requirements preempted.** State continuation laws regulate fully insured plans and insurers but cannot impose mandates on employers sponsoring those plans. For example, a [DOL advisory opinion](#) concluded that ERISA preempted Connecticut's notification mandate. Another [DOL advisory opinion](#) reached the same conclusion regarding notices under Minnesota's life insurance continuation law. As a result, notification requirements generally fall on the insurer, not the employer; the opposite is true with COBRA rules. Of course, an insurer and employer may contractually delegate notice and other obligations (e.g., premium collection) to the employer.
- **"Mini-COBRA" laws allowed.** Most state continuation laws confine their scope to fully insured plans offered by employers with fewer than 20 employees on a typical business day in the prior calendar year (called small employers). These small-employer group plans are not subject to COBRA rules.

Asset and stock sales. If two small employers become a single large employer as a result of a merger or acquisition, when does COBRA start and state continuation end? IRS [Rev. Ruling 2003-70](#) provides a two-part answer. In a stock sale, the two entities become subject to COBRA on the sale date. In an asset sale, the acquiring employer will continue to be exempt from COBRA (and subject to any applicable state mini-COBRA law) for the balance of the calendar year. Whether COBRA applies on the next Jan. 1 will depend on application of the [rules](#) for determining whether a plan is a small-employer plan.

Mini-COBRA requirements

Most states have insurance laws that fill in the COBRA gap for small employers. These laws vary in terms of eligibility, qualifying events (QEs), premium rates and duration, among other things. These laws do not apply to self-funded ERISA plans or fully insured large-employer group plans.

In addition, most states have insurance conversion laws that apply regardless of employer size, requiring insurers to offer covered individuals the ability to convert a group policy to an individual one when eligibility ends. Conversion laws are beyond the scope of this GRIST.

The following seven states do not have a mini-COBRA law: Alabama, Alaska, Idaho, Indiana, Michigan, Montana and Nevada. Michigan, Montana and Nevada have related continuation requirements; for

details, see [Appendix C](#). Interestingly, Indiana enacted a [health insurance continuation law](#) in 1995, contingent on enacting a funding mechanism, which has not happened to date. See [Appendix A](#) for a table highlighting mini-COBRA laws in 43 states (and Washington, DC) as compared with COBRA.

Post-COBRA requirements

While mini-COBRA laws may be properly viewed as gap-fillers to aid individuals employed by small employers, post-COBRA laws can be classified as coverage extenders, lengthening fully insured coverage requirements for large employers after COBRA expires. These laws do not apply if COBRA is terminated early for any of the standard reasons — such as failure to make a timely payment. These laws do not apply to self-funded ERISA plans.

The best known post-COBRA law is Cal-COBRA. The California law is found in two statutes: the [Insurance Code](#) (for fully insured plans; regulated by the [Department of Insurance](#) (CDI)) and the [Health & Safety Code](#) (for health care service plans, including health maintenance organizations; regulated by the [Department of Managed Health Care](#) (DMHC)).

See [Appendix B](#) for a table highlighting post-COBRA laws in California, Connecticut, New York and Texas.

Other related state law requirements

In addition to mini-COBRA and post-COBRA laws, many states provide additional protections that do not mirror standard COBRA provisions. These laws often apply to covered family members in the event of a divorce or an employee's death. Sometimes, there is a minimum age requirement. In a few states, continuation coverage is mandated for other lines of group insurance coverage, like disability or life. These laws do not apply to self-funded ERISA plans.

See [Appendix C](#) for a table highlighting related continuation requirements in 22 states.

Employer steps

For employers sponsoring fully insured health coverage, compliance with COBRA and state continuation laws is no easy task. It necessitates coordination between several entities (the insurer, the employer and the COBRA administrator, if applicable) and a good understanding of the interplay between these laws. Because state insurance laws generally apply to insurers (and not to employers who sponsor fully insured plans), one might conclude that employer concerns are minimal. However, an employer/plan administrator has an ERISA fiduciary duty to operate the plan prudently, including the selection and monitoring of service providers. And, like it or not, insurance issues often become employer issues.

Here are some practical actions an employer might take for optimal compliance:

- If your workforce population is at or near the 20-employee threshold, determine whether COBRA or state continuation applies on an annual basis.

- Confirm which entities are administering COBRA and/or state continuation coverage and that all required information is transmitted to each entity.
- Review the process for sending qualifying events to the appropriate entity administering COBRA and/or state continuation coverage.
- Conduct periodic audits to detect any gaps between qualifying events reported by the employer and notices sent by the entity tasked with administering continuation coverage and otherwise monitor the performance of the entity's tasks.
- Ensure that employee notices and communications accurately describe continuation coverage rights and that all entities understand who is responsible for sending notices (either by law or by contract).
- Check to see which entity is responsible for premium collection.
- For fully insured plans in a post-COBRA state, address how the transition from COBRA to state continuation coverage will be administered.
- For self-funded plans in a post-COBRA state, consider whether it makes sense to go beyond what COBRA requires in order to match state insurance laws in terms of duration, especially if the employer also offers fully insured coverage in that state (a common occurrence in California). Employers should confirm that this coverage extension is acceptable to the stop-loss insurer, if applicable, before implementing this change. The change would also need to be documented in the ERISA plan document and communicated through the plan's summary plan description.
- Pay attention to COBRA and state continuation issues in mergers, acquisitions and other related transactions.

Related resources

Non-Mercer resources

- [An employer's guide to group health plan continuation coverage under COBRA](#) (Employee Benefits Security Administration, Feb. 23, 2022)
- [Health insurance continuation coverage under COBRA](#) (Congressional Research Service, Aug. 13, 2021)

Mercer Law & Policy resources

- [Domestic partner benefits remain popular but present challenges](#) (July 11, 2023)
- [A primer on ERISA's preemption of state laws](#) (March 22, 2022)
- [DOL releases model COBRA subsidy notices and forms](#) (April 20, 2021)

Other Mercer resources

- [MercerWELL](#)
- [Benefits strategy & innovation](#)

Appendix A: Mini-COBRA laws (employers with 2-19 employees) table

Note: In several states, different requirements (e.g., duration) apply to qualifying events, particularly divorce and/or death of the employee. For a table summarizing these laws, see [Appendix C](#).

State	Eligibility; scope	Premium (% of group rate)	Qualifying Events	Maximum duration	Resources
COBRA (federal)	Covered day before QE; includes all group health plans (e.g., dental, vision, health FSA, HRA, employee assistance program)	102%; 150% (disability extension)	<ul style="list-style-type: none"> • Employment termination (other than for gross misconduct) • Reduction of hours • Death of employee • Medicare entitlement • Divorce or legal separation • Loss of dependent status 	<ul style="list-style-type: none"> • 18 months (employment termination, reduction of hours) • 29 months (disability extension) • 36 months (all other QEs) 	<ul style="list-style-type: none"> • DOL regulations • IRS regulations • Model election notice • Model general notice • IRS Rev. Ruling 2003-70
AZ	Covered prior 3 months; ☑D/V	105% (150% during disability extension)	<ul style="list-style-type: none"> • Same as COBRA • Active military duty reasons 	<ul style="list-style-type: none"> • 18 months • 29 months (disability extension) 	§ 20-2330; sample notice
AR	Covered prior 3 months; ☑D/V*	Not addressed	<ul style="list-style-type: none"> • Employment termination • Divorce 	120 days	§ 23-86-114
CA	Covered day before QE; ☑D/V*	110%; 150% (if disabled after 18 months)	<ul style="list-style-type: none"> • Same as COBRA • Dissolution of registered domestic partnership 	36 months	Ins. Code §§ 10128.50 et seq., 10112.5; H&S Code §§ 1366.20 et seq., 12.2; Fam. Code § 297.5; CDI FAQ; DMHC FAQ

State	Eligibility; scope	Premium (% of group rate)	Qualifying Events	Maximum duration	Resources
CO	Covered prior 6 months; ☑D/V	100%	<ul style="list-style-type: none"> • Employment termination • Reduction of hours • Death of employee • Change in marital or civil union status 	18 months	§ 10-16-108; brochure
CT	Covered day before QE; ☑D/V	102%	<ul style="list-style-type: none"> • Same as COBRA • Layoff • Leave of absence (LOA) 	<ul style="list-style-type: none"> • 1 year (employee absence due to illness or injury) • 30 months (layoff, LOA, reduction of hours, termination) • 36 months (all other events) • Applies also to hospital confinement indemnity insurance 	§ 38a-512a; FAQ
DE	Covered prior 3 months; ☑D/V	102%	<ul style="list-style-type: none"> • Same as COBRA 	9 months	Tit. 18 § 3571F; Bulletin No. 51
FL	Covered day before QE; ☑D/V	115%; 150% (disability extension)	Same as COBRA	<ul style="list-style-type: none"> • 18 months • 29 months (disability extension) 	§ 627.6692; sample election and premium notice
GA	Covered prior 6 months; ☑D/V	100%	Any event causing termination of coverage (except employment termination for cause)	3 months after end of event month	§ 33-24-21.1

State	Eligibility; scope	Premium (% of group rate)	Qualifying Events	Maximum duration	Resources
HI	Employed for 4 consecutive weeks; ☑D/V	Active employee rate	Prevented from working due to hospitalization or sickness	3 months after month of hospitalization, disability or when wage payments end, whichever is longer	§ 393-15; highlights brochure
IL	Covered prior 3 months; ☑D/V	100%	<ul style="list-style-type: none"> • Employment termination (except conviction or admission of work-related felony or theft) • Reduction in hours 	1 year	215 ILCS 5/367e; Illinois Insurance Facts
IA	Covered prior 3 months; ☑D/V	100%	<ul style="list-style-type: none"> • Employment or membership termination (including layoff and LOA) • Dissolution or annulment of marriage • Death of employee 	9 months	Tit. XIII, § 509B
KS	Covered prior 3 months; ☑D/V	100%	<ul style="list-style-type: none"> • Termination of coverage for any reason, including discontinuance of the group policy 	18 months	§ 40-2209(i) – (j); Bulletin 2003-05

State	Eligibility; scope	Premium (% of group rate)	Qualifying Events	Maximum duration	Resources
KY	Covered 3 months; ☑D/V	100%	<ul style="list-style-type: none"> Termination of coverage Death of employee Loss of dependent status Dissolution of marriage Hospital confinement or total disability of employee 	<ul style="list-style-type: none"> 18 months 1 year (hospital confinement or total disability) 	§§ 304.18-110, 304.18-126; Q&A
LA	Covered prior 3 months; ☑D/V	100%	<ul style="list-style-type: none"> Termination of employment or membership Death of employee Divorce 	1 year	RS § 22:1046
ME	Covered prior 6 months (3 months for dependents, unless ineligible during those 3 months); ☑D/V	102%	<ul style="list-style-type: none"> Temporary layoff Loss of coverage due to work-related injury or disease 	1 year	24-A MRSA § 2809-A(11); FAQ
MD	Covered prior 3 months (spouse married at least 30 days, dependents covered day before QE); ☑D/V	102%	<ul style="list-style-type: none"> Termination of employment (except for cause) Death of employee 	18 months	Ins. Code §§ 15-407, 15-409; consumer advisory; Bulletin 08-13
MA	Covered day before QE; ☑D/V	102%; 150% (disability extension)	<ul style="list-style-type: none"> Same as COBRA 	Same as COBRA	Ch. 176J, § 9; benefits guide

State	Eligibility; scope	Premium (% of group rate)	Qualifying Events	Maximum duration	Resources
MN	Covered day before QE; <input checked="" type="checkbox"/> D/V	102%	<ul style="list-style-type: none"> • Employment termination or layoff (except gross misconduct) • Reduction in hours • Medicare entitlement • Loss of dependent status 	<ul style="list-style-type: none"> • 18 months (termination, layoff, reduction) • 36 months (Medicare entitlement, dependent status) 	§§ 62A.16, 62A.17, 62A.20 ; FAQ
MS	Covered prior 3 months; <input checked="" type="checkbox"/> D/V	100%	<ul style="list-style-type: none"> • Termination of employment or membership • Death of employee • Divorce • Medicare entitlement • Loss of dependent status 	1 year	§ 83-9-51 ; Q&A
MO	Covered day before QE; <input checked="" type="checkbox"/> D/V	102%	<ul style="list-style-type: none"> • Same as COBRA 	Same as COBRA	§ 376.428 ; DOI webpage
NE	Covered day before QE; <input checked="" type="checkbox"/> D/V	102%	<ul style="list-style-type: none"> • Involuntary termination of employment (except misconduct) • Death of employee 	<ul style="list-style-type: none"> • 6 months (involuntary termination) • 1 year (death) 	§§ 44-1640, 44-1643 ; brochure
NH	Covered day before QE; <input checked="" type="checkbox"/> D/ <input checked="" type="checkbox"/> V*	102%	<ul style="list-style-type: none"> • Same as COBRA • Plan termination 	Same as COBRA (except plan termination, 39 weeks)	§ 415:18(XVI) ; Ins. Dept. webpage

State	Eligibility; scope	Premium (% of group rate)	Qualifying Events	Maximum duration	Resources
NJ	Covered day before QE; ☑D/V	102%; 150% (disability extension)	<ul style="list-style-type: none"> Termination of employment (except for cause) Reduction in hours to less than 25 per week Death of employee Divorce or dissolution of civil union or domestic partnership Loss of dependent status 	<ul style="list-style-type: none"> 18 months (term/reduce hours) 29 months (if employee disabled) 36 months (death, divorce or dissolution of civil union or loss of dependent status) 	§ 17B:27A-27; Advisory Bulletin 07-SEH-02
NM	Covered day before QE; ☑D/V	Reasonable, nondiscriminatory rate	<ul style="list-style-type: none"> Termination of employment or membership Death of employee Divorce, annulment or dissolution of marriage or legal separation 	6 months	§ 59A-18-16
NY	Covered day before QE; ☑D/V	102%	<ul style="list-style-type: none"> Same as COBRA 	36 months	Ins. Ch., § 3221(m); FAQ
NC	Covered prior 3 months; ☑D/V	102%	Termination of employment or membership	18 months	§§ 58-53-1 et seq.; consumer's guide
ND	Covered prior 3 months; ☑D/V	100%	Termination of employment or membership	39 weeks	§ 26.1-36-23
OH	Covered prior 3 months; ☑D/V	100%	Involuntary termination (except for gross misconduct)	1 year	§ 3923.38; FAQ

State	Eligibility; scope	Premium (% of group rate)	Qualifying Events	Maximum duration	Resources
OK	Covered day before QE; <input checked="" type="checkbox"/> D/V	100%	Termination of coverage for any reason (except gross misconduct and plan termination)	63 days; 6 months if covered at least 6 months (3 months for basic coverage)	§ 4509
OR	Covered prior 3 months (employee), covered day before QE (spouse, domestic partner, dependents), <input checked="" type="checkbox"/> D/V	100%	<ul style="list-style-type: none"> Same as COBRA (no exception for gross misconduct) Dissolution of domestic partnership 	9 months	§§ 743B.340 et seq., 106.340; fact sheet
PA	Covered prior 3 months; <input checked="" type="checkbox"/> D/V	105%	Same as COBRA	9 months	40 PS § 764j; Ins. Dept. webpage
RI	Covered day before QE (N/A to certain construction employers); <input checked="" type="checkbox"/> D/V	100%	<ul style="list-style-type: none"> Involuntary layoff Death of employee Workplace ceasing to exist Permanent reduction in force All QEs apply to domestic partners of governmental employees subject to COBRA under the PHSA 	18 months	§§ 27-19.1-1, 36-12-2.4
SC	Covered prior 6 months; <input checked="" type="checkbox"/> D/V	100%	Termination of coverage for any reason (except nonpayment)	6 months after month of coverage termination	§ 38-71-770; publication

State	Eligibility; scope	Premium (% of group rate)	Qualifying Events	Maximum duration	Resources
SD	Covered day before QE; ☑D/V	102%; 150% after 18 months	Same as COBRA	Same as COBRA	§§ 58-18-7.5, 58-18-7.12, 58-18-7.13; Div. of Ins. webpage
TN	Covered prior 3 months; ☑D/V	100%	Termination of coverage for any reason (except discontinuance of policy, failure to pay)	<ul style="list-style-type: none"> • 3 months after month of coverage termination • 15 months after month of coverage termination (divorce, death) 	§ 56-7-2312
TX	Covered prior 3 months; ☑D/V	102%	<ul style="list-style-type: none"> • Termination of coverage for any reason (except for cause (excluding health-related cause)) • Retirement • Death of employee • Severance of family relationship 	<ul style="list-style-type: none"> • 9 months • 3 years (retirement, death, severance of family relationship) 	Ins. Code §§ 1251.251 et seq., 1251.301 et seq.; TDI webpage
UT	Covered prior 3 months; ☑D/V	102%	<ul style="list-style-type: none"> • Same as COBRA • Retirement • Sabbatical • Disability • LOA 	1 year	§ 31A-22-722; Ins. Dept. webpage

State	Eligibility; scope	Premium (% of group rate)	Qualifying Events	Maximum duration	Resources
VT	Covered day before QE; <input checked="" type="checkbox"/> D/ <input checked="" type="checkbox"/> V	102%	<ul style="list-style-type: none"> Loss of employment (except misconduct) Reduction in hours Divorce, dissolution, or legal separation from spouse or civil union partner Loss of dependent status Death of employee 	18 months	Tit. 8, § 4090a et seq.; consumer handbook
VA	Covered prior 3 months; <input checked="" type="checkbox"/> D/V	102%	Termination of coverage before becoming Medicare or Medicaid eligible	1 year	§ 38.2-3541; 14 VAC § 5-211-70
WA	Covered day before QE (insurer must offer continuation coverage as an option); <input checked="" type="checkbox"/> D/V	Based on agreed rate	Termination of coverage	Unspecified period of time	RCW § 48.21.250; Ins. Dept. webpage
WA, DC	Covered day before QE; <input checked="" type="checkbox"/> D/V	102%	All losses of coverage, except for termination due to gross misconduct	3 months	§ 32-732
WV	Covered day before QE; <input checked="" type="checkbox"/> D/V	100%	Involuntary layoff or termination of employment (except misconduct that would disqualify employee for unemployment benefits)	18 months	§ 33-16-3(e); Admin Code §§ 114-93 et seq.
WI	Covered prior 3 months; <input checked="" type="checkbox"/> D/V	100%	<ul style="list-style-type: none"> Loss of coverage eligibility (except misconduct) Divorce or annulment Death of employee 	18 months	§ 632.897; fact sheet

State	Eligibility; scope	Premium (% of group rate)	Qualifying Events	Maximum duration	Resources
WY	Continuously covered prior 3 months; ☒D/V	102%	Termination of employment, membership or eligibility	1 year	§ 26-19-113; Ins. Dept. letter

*☑D/V: includes dental/vision; ☒D/V: excludes dental/vision; ☑D/☒V: includes dental, excludes vision.

Appendix B: Post-COBRA laws (all fully insured employers) table

Note: In several states, different requirements (e.g., duration) apply to qualifying events, including those involving divorce and/or death of the employee. For a table summarizing these laws, see [Appendix C](#).

State	Requirement	Premium (% of group rate)	Total duration	Resources
CA	Medical plan coverage continues upon exhaustion of COBRA; ☒D/V*	110%; 150% (if disabled after 18 months)	36 months combined for COBRA and Cal-COBRA	Ins. Code § 10128.59 ; H&S Code § 1366.29 ; CDI FAQ ; DMHC FAQ
CT	Medical plan coverage continues if original QE was layoff, reduction of hours, LOA, termination of employment (except gross misconduct); ☒D/V	102%	30 months combined for COBRA and CT continuation	§ 38a-512a ; FAQ ; Bulletin HC-77
NY	Medical plan coverage continues upon exhaustion of COBRA; ☒D/V	102%	36 months combined for COBRA & NY continuation	Ins. Ch., § 3221(m) ; FAQ ; Circular Letter No. 23 (2009)
TX	Medical plan coverage continues upon exhaustion of COBRA; ☒D/V	102%	6 months after COBRA expires	Ins. Code § 1251.255 ; TDI summary ; TDI webpage

*☒D/V: excludes dental/vision.

• Appendix C: Other related state law requirements table

State	Eligibility; scope	Premium (% of group rate)	QEs	Maximum duration (in months, if not specified)	Resources
AZ	Disability insurance , continuation or conversion for spouses and dependents	Unclear	<ul style="list-style-type: none"> • Divorce • Death of employee 	Until: <ul style="list-style-type: none"> • Failure to pay • Fraud or intentional misrepresentation of material fact • Employer or association ceases plan • No longer in state or service area 	<u>§ 20-1377</u>
CA	Disability insurance , covering hospital, medical, surgical	100%	<ul style="list-style-type: none"> • Divorce or legal separation • Death of employee • Employee losing coverage due to Medicare entitlement • Loss of dependent status 	90 days, generally	<u>Ins. Code § 12692</u>
	Life and disability insurance , for employees under collective bargaining agreement	120%	Loss of coverage as a result of labor dispute	6 months	<u>Ins. Code § 10116</u>
CT	Health insurance ; <input checked="" type="checkbox"/> D/V*	0% (100% employer paid)	Relocation or closing of a plant, defined as any “industrial, commercial or business facility” employing ≥100 employees	120 days	<u>§ 31-51o</u>

State	Eligibility; scope	Premium (% of group rate)	QEs	Maximum duration (in months, if not specified)	Resources
GA	Health insurance for employees/spouses age 60 or older and dependents; ☑D/V*	120%	<ul style="list-style-type: none"> • COBRA or state continuation expires (except voluntary and good-cause terminations of employment) • Divorce or legal separation • Death of employee 	Until: <ul style="list-style-type: none"> • Failure to pay • Employer ceases plan • Enrollment in another group plan • Medicare eligibility 	§ 33-24-21.2
IL	Health insurance for employees/spouses, and dependents; covered day before QE; ☑D/V	100% (120% after 2 years)	<ul style="list-style-type: none"> • Death of employee or retiree • Retirement of employee for spouse age 55 or older • Divorce 	Until: <ul style="list-style-type: none"> • Failure to pay • Enrollment in other group plan • Remarriage • Medicare eligibility • 2 years (if under age 55) 	215 ILCS 5/367.2; Insurance Facts
	Health insurance , for dependents; ☑D/V	100%	<ul style="list-style-type: none"> • Death of employee • Loss of dependent status 	2 years	215 ILCS 5/367.2-5; Insurance Facts
LA	Medical insurance , for surviving spouses age 50 or older and dependents; ☑D/V	100%	Death of employee	Until: <ul style="list-style-type: none"> • Failure to pay • Eligible for another group plan • Remarriage • Medicare eligibility 	RS § 22:1045

State	Eligibility; scope	Premium (% of group rate)	QEs	Maximum duration (in months, if not specified)	Resources
MD	Medical insurance , for divorced spouses and dependents; <input checked="" type="checkbox"/> D/V	100%	Divorce	Until: <ul style="list-style-type: none"> • Eligible for another plan • Remarriage • Medicare entitlement • Loss of dependent status 	Ins. Code § 15-408
MA	Medical insurance , for participants; <input checked="" type="checkbox"/> D/V	Unclear	Plant closing or partial closing of a major discrete portion of facility	90 days	Ch. 175, § 110D ; Ch. 171A § 71A
	Medical insurance , for participants; <input checked="" type="checkbox"/> D/ <input checked="" type="checkbox"/> V	100%	Divorce or legal separation	Until: <ul style="list-style-type: none"> • Remarriage of employee/spouse • Expiration of court-ordered coverage • Termination of employee's coverage 	Ch. 175, §110I
MI	Medicare supplement plan , for Medicare-eligible participants; <input checked="" type="checkbox"/> D/V	Unclear	Loss of group medical coverage due to employee's Medicare eligibility	Unclear	§ 500.3831
MN	Medical insurance , for surviving spouse and dependents; <input checked="" type="checkbox"/> D/V	102%	<ul style="list-style-type: none"> • Death of employee • Divorce or legal separation • Employee's Medicare entitlement 	<ul style="list-style-type: none"> • Covered under another group plan • Coverage would otherwise end if employee lived • 36 (Medicare entitlement only) 	§§ 62A.146, 62A.20, 62A.21 , FAQ

State	Eligibility; scope	Premium (% of group rate)	QEs	Maximum duration (in months, if not specified)	Resources
MN	Medical insurance , for employee and dependents; <input checked="" type="checkbox"/> D/V	100%	Total disability of employee while employed	Until: <ul style="list-style-type: none"> Enrolled in Medicare Become covered under another group health plan. 	§ 62A.148, FAQ
	Life insurance , for employees	102%	<ul style="list-style-type: none"> Termination of employment (except gross misconduct) Layoff Reduction in hours 	Until: <ul style="list-style-type: none"> Covered under another group policy 18 months 	§ 61A.092
MO	Health insurance , for spouse age 55 or older and dependents (after COBRA expires); <input checked="" type="checkbox"/> D/V	125%	<ul style="list-style-type: none"> Divorce or legal separation Death of employee 	Until: <ul style="list-style-type: none"> Failure to pay Group plan terminates Enrolled in another group plan Remarriage and covered under another group plan Spouse turns age 65 	§ 376.891-894
MT	Disability insurance , for spouse and dependents	Unclear	Death of employee	Unclear	§ 33-22-503
	Disability insurance , for employees	100%	Reduction of hours	1 year	§ 33-22-507

State	Eligibility; scope	Premium (% of group rate)	QEs	Maximum duration (in months, if not specified)	Resources
MT	Medical insurance under health service corporation, for employees; ☑D/V	100%	Reduction of hours	1 year	§ 33-30-1006
NE	Health insurance , for domestic abuse victims; ☑D/V	100%	Loss of coverage in domestic abuse situation due to divorce, legal separation or other circumstances	18 months	§ 44-7406
NV	Health insurance , for employee and dependents; ☑D/V	Unclear	Unpaid LOA due to total disability	Until: <ul style="list-style-type: none"> Termination of employment Enrolled in another group plan Group plan terminates otherwise, 1 year 	§ 689B.0345
NH	Health insurance , for spouse age 55 or older and dependents; ☑D/☑V*	102%	<ul style="list-style-type: none"> Divorce or legal separation Death of employee 	Until: <ul style="list-style-type: none"> Medicare eligible Eligible for another group plan 	§ 415:18(XVI); guide
NJ	Health insurance, for employees and dependents covered prior 3 months; ☑D/V	100%	Termination of employment or membership due to total disability	Until: <ul style="list-style-type: none"> Failure to pay Employed and eligible for another group plan Group plan terminates 	§ 17B:27-51.12

State	Eligibility; scope	Premium (% of group rate)	QEs	Maximum duration (in months, if not specified)	Resources
NY	Medical insurance , for spouse; ☑D/V		Loss of coverage due to employee's Medicare entitlement	Unless the plan otherwise provides continuation after these events, until: <ul style="list-style-type: none"> • Medicare eligible • Group plan terminates • Death of employee or retiree 	§ 4235(f)(3)
ND	Accident and health insurance , for spouse and dependents; ☑D/V	102%	Divorce or annulment	Until: <ul style="list-style-type: none"> • Remarriage • 36 months 	§ 26.1-36-23.1
OH	Medical insurance , for spouse and dependents; ☑D/V	Unclear	<ul style="list-style-type: none"> • Death of employee • Divorce, annulment or legal separation 	Until: <ul style="list-style-type: none"> • Medicare eligible • Eligible for similar federal or state program 	§ 3923.32
	Medical insurance , for spouse and dependents; ☑D/V	102% (for military leave <31 days, employee rate)	LOA for active military service	<ul style="list-style-type: none"> • 18 months • 36 months, if second event occurs during first 18 months 	§§ 3923.381, 3923.382
OR	Health insurance , for spouse age 55 or older and dependents; ☑D/V	102%	<ul style="list-style-type: none"> • Death of employee • Divorce or legal separation 	Until: <ul style="list-style-type: none"> • Failure to pay • Group plan terminates • Insured under another group plan • Remarriage • Medicare eligible 	§§ 743B.343, 743.345

State	Eligibility; scope	Premium (% of group rate)	QEs	Maximum duration (in months, if not specified)	Resources
RI	Health insurance , for spouse and dependents; ☑D/V	100%	Divorce	Until: <ul style="list-style-type: none"> • Remarriage of employee/spouse • Court-ordered termination date • Eligible for group plan 	§ 27-20.4-1
TN	Health insurance , for employee, spouse and dependents; ☑D/V	100%	Loss of coverage during pregnancy	6 months after month in which coverage is lost	§ 56-7-2312(d)
WA	Health insurance , for employee, spouse and dependents; ☑D/V	Same rate provided by the policy	Strike, lockout or other labor dispute	6 months	§ 48.21.075

*☑D/V: includes dental/vision; ☒D/V: excludes dental/vision; ☑D/☒V: includes dental, excludes vision.

Note: Mercer is not engaged in the practice of law, accounting or medicine. Any commentary in this article does not constitute and is not a substitute for legal, tax or medical advice. Readers of this article should consult a legal, tax or medical expert for advice on those matters.