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**2023 State Compliance Calendar for Employee Benefit Plans**

**Issue Date: March 2023**

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# **Introduction & Important Notes**

This calendar highlights important state-specific compliance due dates for employee health and welfare benefits. For federal compliance due dates, please see our federal compliance calendar here: <https://www.benefitcomply.com/resources/2022/12/22/2023-compliance-calendar/>.

IMPORTANT NOTES:

1. This is **not** a comprehensive list of state compliance requirements. Benefit Comply will continue to update this guide as it becomes aware of additional state-specific reporting or disclosure requirements affecting employee benefit plans.
2. Compliance due dates that are tied to a plan year assume a calendar year plan. Actual due dates may differ for some items if the employer’s plan runs on a non-calendar year.
3. For more information, please find state-specific issue briefs with more detailed descriptions of the requirements on our state resources site here: <https://www.benefitcomply.com/resources/state-resources-2/>.
4. We will continue to update this chart as we gather additional information, so please check back periodically for updates.

# **California**

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| **Requirement** | **Due Date** | **More Information** |
| Forms 1095-B and 1095-C to CA Residents | January 31 | Employers must provide a Form 1095 statement to California residents to meet CA’s state-specific individual mandate reporting requirements. |
| San Francisco Health Care Security Ordinance Report Due | May 1 | The Annual Reporting requirement is back in effect after being waived in 2019 and 2020 due to the pandemic. |
| Report to CA Franchise Tax Board Due | May 31 | Extended due date for reporting 1094s/1095s to California Franchise Tax Board. |
| SBC Distribution | During open enrollment | Carriers will make a dental SBC for fully-insured plans available to employers. Employers must ensure they distribute the dental SBCs to their eligible employees during open enrollment, any special enrollments, and when an employee is newly eligible starting with plan years renewing on or after 1/1/2022. |
| Flexible Spending Account (FSA) Termination Notice | Before the end of the plan year | Employers must notify employees before the end of the plan year of any deadlines to withdraw funds from a flexible spending account (FSA). The requirement took effect January 1, 2020 and applies to health FSAs (HFSAs), dependent care FSAs, and adoption assistance FSAs. |

# **District of Columbia**

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| **Requirement** | **Due Date** | **More Information** |
| Forms 1095 Due to Primary Subscribers | March 2 | Requirement is part of state’s individual mandate employer reporting/disclosure requirement. |
| Form 1095-B and 1095-C due to DC OTR | April 30 | Requirement is part of state’s individual mandate employer reporting/disclosure requirement. Forms due to the OTR 30 days after the federal deadline for submission (March 31, 2023). |

# **Hawaii**

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| **Requirement** | **Due Date** | **More Information** |
| Hawaii Form HC-5 Due from Individuals | December 31 (for the upcoming calendar year) | All employers with a Hawaii employee who waives health plan participation due to other coverage must ensure these employees complete Form HC-5 by December 31.  Employers must provide a copy of the signed Form HC-5 to the employees and retain the original signed Form for 2 years.  <https://labor.hawaii.gov/dcd/files/2022/09/HC-5-2023.pdf> |

# **Illinois**

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| **Requirement** | **Due Date** | **More Information** |
| IL Model EHB Disclosure | Annually and upon hire | All employers with employees employed in Illinois and that sponsor employee health plans must disclose a written list of offered benefits that is compared to the list of essential health benefits issued by the State of Illinois. The IL DOL uses a “base of operations” test to determine whether an employee is employed in Illinois. |

# **Massachusetts**

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| **Requirement** | **Due Date** | **More Information** |
| MA Form 1099-HC to MA Residents | January 31 | Massachusetts employers and non-Massachusetts employers who conduct business in (i.e., have employees working in Massachusetts or file state taxes such as unemployment taxes) or maintain an office in Massachusetts must distribute a Form MA 1099-HC to covered employees who are MA residents. |
| State Individual Mandate Employer Reports due to MA Department of Revenue | March 31 | Massachusetts employers and non-Massachusetts employers who conduct business in (i.e., have employees working in Massachusetts or file state taxes such as unemployment taxes) or maintain an office in Massachusetts must send a report to the Massachusetts Department of Revenue (DOR) listing the Forms 1099-HC they issued. |
| MA Health Insurance Responsibility Disclosure (HIRD) Report | December 15 | The [Health Insurance Responsibility Disclosure (HIRD) form](https://www.mass.gov/doc/health-insurance-responsibility-disclosure-hird-masstaxconnect-layout/download) is a state reporting requirement in Massachusetts, which launched in 2018. The HIRD form collects employer-level information about employer-sponsored insurance offerings. Reporting is due annually by December 15. |

# **Minnesota**

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| **Requirement** | **Due Date** | **More Information** |
| MN Life Insurance Requirement | Within 14 days of termination or layoff | Upon termination of or layoff from employment of a covered employee, the employer shall inform the employee within 14 days of:  (1) the employee's right to elect to continue the [life insurance] coverage;  (2) the amount the employee must pay monthly to the employer to retain the coverage;  (3) the manner in which and the office of the employer to which the payment to the employer must be made; and  (4) the time by which the payments to the employer must be made to retain coverage.  The employee has 60 days within which to elect coverage. The 60-day period shall begin to run on the date coverage would otherwise terminate or on the date upon which notice of the right to coverage is received, whichever is later. |

# **Michigan**

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| **Requirement** | **Due Date** | **More Information** |
| Michigan Personal Injury Protection (PIP) Medical Coverage with Qualifying Health Coverage (QHC) | Annually and/or Upon Request (timing requirements not entirely clear) | Michigan law allows individuals to purchase reduced personal injury protection (PIP) medical coverage, or even opt-out of the PIP requirement, if the individual has qualifying health coverage (QHC). Health insurers and health plans must provide individuals with a document that lets them know if their policy is considered QHC. |

# **New Jersey**

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| **Requirement** | **Due Date** | **More Information** |
| Form 1095 to NJ Residents | March 2 | Applicable Large Employers (ALEs) and non-ALEs who employ New Jersey residents or part-year residents, including out-of-state employers (even if the out-of-state employer does not withhold payroll taxes) must provide a 1095 form to primary enrollees who are New Jersey residents or part-year residents to whom the employer provided minimum essential coverage (MEC). For purposes of the enrollee statement, an employee is considered a “part-year resident” if they are domiciled in New Jersey for at least 15 days in any month. |
| State Individual Mandate Employer Reports Due to NJ Division of Taxation | March 31 | Applicable Large Employers (ALEs) and non-ALEs who employ New Jersey residents or part-year residents, including out-of-state employers (even if the out-of-state employer does not withhold payroll taxes) must report to the state of New Jersey on coverage provide using Form 1095. |

# **New York**

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| **Requirement** | **Due Date** | **More Information** |
| NY HCRA Report Due to OPA | **January 30** | New York: Monthly online reports on covered charges are due to the state Office of Pool Administration (OPA) for the first year after a claim payor becomes an electing payor. (The OPA may notify payors that subsequent reports will be due annually, which is the typical schedule for out-of-state health plan sponsors with few or no New York employees.) Reports must be filed electronically within 30 days after the end of the reporting month or year, even if a payor has no activity to report. Self-funded health plan sponsors commonly rely on TPAs to file the monthly or annual report. However, the ultimate responsibility falls to the plan sponsor. |
| NY HCRA monthly filing/payment due to New York Public Goods Pool | March 2 for January 2023  March 30 for February 2023  May 1 for March 2023  May 30 for April 2023  June 30 for May 2023  July 31 for June 2023  August 30 for July 2023  October 2 for Aug 2023  October 30 for Sep 2023  November 30 for Oct 2023 | **Mandatory** filing/payment due dates for 2023 designated HCRA providers and electing payors to the New York Public Goods Pool **(even if there is no activity to report)**.  Reports and payments must be received by the Office of Pool Administration by midnight, Eastern Time, of the 30th day following the report month (adjusted for weekends and holidays), to avoid assessments for late filing penalty and interest. Since payors/providers cannot determine their monthly Public Goods Pool liability until sometime following the last day of the respective reporting month, monthly reports cannot be filed prior to the end of the respective reporting month.  More information can be found here: <https://www.health.ny.gov/regulations/hcra/schedule/payor_or_tpa.htm> |

# **Rhode Island**

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| **Requirement** | **Due Date** | **More Information** |
| Form 1095 to Primary Insureds | March 2 | Employers (including out-of-state employers) that offer minimum essential coverage to any resident of Rhode Island must provide a 1095 statement to the primary insured. |
| State Individual Mandate Employer Reports due to Rhode Island Division of Taxation | March 31 | Employers (including out-of-state employers) that offer minimum essential coverage to any resident of Rhode Island  must report information from the federal 1095 to the RI Division of Taxation. |

# **Vermont**

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| **Requirement** | **Due Date** | **More Information** |
| VT annual statement | Annually | Employers must provide employees with an annual statement of the following:   * Total monthly premium cost paid for any employer-sponsored plan * Employer’s share of monthly premium * Employee’s share of monthly premium   Any amount the employer contributes towards cost-sharing or other OOP expense. |
| Vermont Quarterly Assessment | January 25 (for Oct – Dec)  April 25 (for Jan – Mar)  July 25 (for Apr – June)  October 25 (for Jul – Sept) | Employers must pay any assessment due (as calculated on Form HC-1) for the previous quarter. |

# **Washington**

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| **Requirement** | **Due Date** | **More Information** |
| Washington WAPAL Payment Due | February 15 (for Oct – Dec)  May 15 (for Jan – Mar)  August 15 (for Apr – Jun)  November 14 (Jul – Sep) | Self-insured employers with covered members in the state of Washington must submit payment 45 days after the end of each calendar quarter. The first payment was due November 15, 2021. Payments are due February 15 for the Oct-Dec 2022 quarter. Employers should go to: <https://www.wapalfund.org/> to register. |