



State/Local Compliance Update: January 2024

A brief update on what happened the prior month in group health plan compliance at the state and local level, listed alphabetically.

District of Columbia

- **New DC Paid Family Leave notice/poster issued.** The DC Department of Employment Services issued an updated Paid Family Leave [notice/poster](#). The new poster must be posted by February 1, 2024, in a conspicuous place such as where the employer posts employment-related information. The notice also must be provided to employees by February 1, 2024.
- **New pay transparency act passes.** On January 12, DC Mayor Bowser signed the [Wage Transparency Omnibus Amendment Act of 2023](#) that (effective June 30, 2024, and upon passage of a 30-day congressional review period) will require DC employers to include a pay range in job postings and inform prospective job applicants of healthcare benefits associated with the position. Employers will also be prohibited from inquiring about job applicants' prior wage history and must post a workplace notice to employees informing them of their rights under the new Act.

Florida

- **FDA approves Florida application to purchase prescription drugs from Canada.** The FDA sent a [Letter of Authorization for Florida's Section 804 Importation Program](#), dated January 5, that approves Florida's application to bulk purchase prescription drugs from Canada (subject to certain conditions). However, in a [Statement from Health Canada on FDA decision on Florida bulk drug importation plan](#), Health Canada says they will restrict external sales of Canadian drugs if it would cause a shortage in Canada. As a result, Florida may be approved to import, but Canada may be unwilling to export. Note that the FDA approval is based on existing FDA authority that specifically allows states to import drugs from Canada. By contrast, the FDA has not approved any corresponding rule that would enable group health plans or individuals to do so.

New Jersey

- **Governor Murphy signs comprehensive privacy law.** On January 16, Governor Murphy signed [Senate Bill 322](#) (the Act) making New Jersey the 14th state to enact a comprehensive consumer data privacy law (joining California, Virginia, Colorado, Connecticut, Utah, Iowa, Indiana, Tennessee, Montana, Florida, Texas, Oregon, and Delaware). This law aims to protect consumer privacy by creating strict requirements for how applicable companies may use and collect personal data from New Jersey consumers and provides consumers with rights of access, modification, and deletion of their personal data. The Act has no broad exemption for HIPAA-covered entities and business associates, instead exempting specific types of health data, including HIPAA-covered PHI. HIPAA-covered entities and business associates that hold some personal data that is not PHI (for example, data of employees and certain marketing-related data) will have to conduct detailed assessments of their compliance obligations under the Act based on the nature and status of the personal data they process. The Act will take effect on January 16, 2025.

New York

- **2024 updates to NY PFL weekly benefit maximums and contribution rates.** As background, under the New York Paid Family Leave Law (NY PFL), eligible employees may receive up to 12 weeks of job-protected paid leave in a 52-week period for qualifying absences such as bonding with a newly born, adopted, or fostered child, caring for a family member with a serious health condition, or assisting loved ones when a spouse, domestic partner, child or parent is deployed abroad on active military service. Here are the 2024 updates:
 - Employees who are approved for NY PFL receive 67% of their average weekly wage, up to a cap of 67% of the current New York State Average Weekly Wage (“NYSAWW”). For 2024, the NYSAWW increased to \$1,718.15, which means the NY PFL maximum weekly benefit increased to \$1,151.16. This is \$20.08 more than the maximum weekly benefit for 2023, which was \$1,131.08. The new benefit rate applies to leaves that commence in 2024. For approved leaves that began in 2023 but extended into 2024, the 2023 benefit rate will apply.
 - For 2024, employees will contribute 0.373% of their gross wages per pay period, up to a maximum annual contribution of \$333.25. The 2024 rate is \$66.18 less than the maximum amount employees contributed in 2023.
 - See the NY Paid Family Leave [webpage](#) for more information.

Oregon

- **Updated guidance for Paid Leave Oregon.** As a reminder, Paid Leave Oregon (PLO) went into effect on January 1, 2023, and employees began applying for benefits by September 3, 2023. PLO provides an employee with paid time off from work to care for and bond with a child following the child’s birth or adoption, to recover from a serious health condition or care for a family member’s serious health condition, or to take leave if the employee or the employee’s family member has experienced domestic violence, sexual assault, stalking, or harassment. PLO applies to employers with at least one employee in the state of Oregon. Large employers (those that employ 25 or more employees worldwide) must contribute to the PLO fund. Small employers (those that employ fewer than 25 employees worldwide) can opt out of contributions. However, employers of all sizes with at least one employee in Oregon must withhold an Oregon employee’s PLO contributions from their paychecks. And employees have job protection rights under PLO regardless of the size of their employer. Oregon provides a PLO model notice for employers to post in their workplaces.
 - On January 12, Oregon implemented new [regulations](#) clarifying procedures and criteria for implementing PLO. These regulations relate to benefits administration, appeals, and equivalent plans (among other topics).
 - On January 25, Oregon issued a [bulletin](#) with guidance on the expectation of insurers who write STD policies (in light of the new PLO program). If the terms of a STD policy allow an insurer to reduce STD benefits due in any part to the availability of PLO benefits, all plan documents must clearly and conspicuously inform consumers that: (1) they might be eligible for medical leave benefits under the PLO program; (2) the insurer might require the consumer to apply for PLO and, if so, the extent to which the person must pursue their PLO application, and; (3) the extent to which STD benefits will be reduced on account of PLO benefits received by the worker.
 - See the Paid Leave Oregon [webpage](#) for more information.