**Section 2001.5 Prohibition of Preexisting Condition Exclusions**

a) No Preexisting Condition Exclusions

1) In General

A group health plan, or a health insurance issuer offering group or individual health insurance coverage, may not impose any preexisting condition exclusion (as defined in Section 2001.2). (45 CFR 147.108(a))

2) Subsection (a) is illustrated by the examples appearing in 45 CFR [147.108](http://www.law.cornell.edu/cfr/text/45/146.111#a_1_ii).

b) Applicability

1) General Applicability Date

Except as provided in subsection (b)(2), this Section applies for plan years beginning on or after January 1, 2014; in the case of individual health insurance coverage, for policy years beginning, or applications denied, on or after January 1, 2014.

2) Early Applicability Date for Children

This Section applies with respect to enrollees, including applicants for enrollment, who are under 19 years of age for plan years beginning on or after September 23, 2010; in the case of individual health insurance coverage, for policy years beginning, or applications denied, on or after September 23, 2010.

3)Applicability to Grandfathered Health Plans

See 45 CFR [147.140](http://www.law.cornell.edu/cfr/text/45/147.140) for determining the application of this Section to grandfathered health plans (providing that a grandfathered health plan that is a group health plan or group health insurance coverage must comply with the prohibition against preexisting condition exclusions; however, a grandfathered health plan that is individual health insurance coverage is not required to comply with PHS Act section 2704 ). (45 CFR 147.108(b))

4) Subsection (b) is illustrated by the examples appearing in 45 CFR 147.108.

(Source: Added at 38 Ill. Reg. 2037, effective January 2, 2014)