

## (i) (1) "Late enrollee" means[:

(i) An] AN eligible employee or dependent who requests enrollment in a health benefit plan under this subtitle following the initial enrollment period provided under the terms of the health benefit plan[:; or

(ii) For a self-employed individual as described in subsection (q)(1)(ii) of this section, a self-employed individual or dependent who requests enrollment in a health benefit plan under this subtitle following an annual open enrollment period for self-employed individuals established by the carrier in accordance with regulations adopted by the Commissioner].

## (q) (1) "Small employer" means[:

(i) Any] ANY person, sole proprietor, firm, corporation, partnership, or association actively engaged in business if:

[1.] (I) On at least 50 percent of its working days during the preceding calendar year, employed at least two but no more than 50 eligible employees; and

[2.] (II) The majority of the individuals described under [item 1 of this subparagraph] SUBPARAGRAPH (I) OF THIS PARAGRAPH are employed within the State[:; or

## (ii) Any self-employed individual who:

1. Is an individual or sole proprietor who derives a substantial portion of the individual's income from a trade or business through which the individual or sole proprietor has attempted to earn taxable income and for which the individual has filed the appropriate Internal Revenue Form 1040, Schedule C or F, for the previous taxable year, a copy of which shall be filed with the carrier as proof of employment; or

2. Is an individual engaged in a licensed profession through a professional corporation organized in accordance with Title 5, Subtitle 1 of the Corporations and Associations Article and who received health benefits through a professional association prior to July 1, 1994].

## (2) "Small employer" includes:

(i) If the requirements of [paragraph (1)(i)1 and 2] PARAGRAPH (1) of this subsection are satisfied, a local government body of:

1. A charter county established under Article 25A of the Code;
2. A code county established under Article 25B of the Code;
3. A board of county commissioners established or operating under Article 25 of the Code; and
4. A municipal corporation established or operating under Article 23A of the Code; and