

(3) THE EMPLOYEE'S OR DEPENDENT'S COVERAGE DESCRIBED IN ITEM (1) OF THIS SUBSECTION:

(I) WAS UNDER A COBRA CONTINUATION PROVISION, AND THE COVERAGE UNDER THAT PROVISION WAS EXHAUSTED; OR

(II) WAS NOT UNDER A COBRA CONTINUATION PROVISION, AND EITHER THE COVERAGE WAS TERMINATED AS A RESULT OF LOSS OF ELIGIBILITY FOR THE COVERAGE, INCLUDING LOSS OF ELIGIBILITY AS A RESULT OF LEGAL SEPARATION, DIVORCE, DEATH, TERMINATION OF EMPLOYMENT, OR REDUCTION IN THE NUMBER OF HOURS OF EMPLOYMENT, OR EMPLOYER CONTRIBUTIONS TOWARDS THE COVERAGE WERE TERMINATED; AND

(4) UNDER THE TERMS OF THE PLAN, THE EMPLOYEE REQUESTS ENROLLMENT NOT LATER THAN 30 DAYS AFTER:

(I) THE DATE OF EXHAUSTION OF COVERAGE DESCRIBED IN ITEM (3)(I) OF THIS SUBSECTION; OR

(II) TERMINATION OF COVERAGE OR TERMINATION OF EMPLOYER CONTRIBUTIONS DESCRIBED IN ITEM (3)(II) OF THIS SUBSECTION.

(C) ALL SMALL EMPLOYER HEALTH BENEFIT PLANS SHALL PROVIDE A SPECIAL ENROLLMENT PERIOD DURING WHICH THE FOLLOWING ~~PERSONS~~ INDIVIDUALS MAY BE ENROLLED UNDER THE HEALTH BENEFIT PLAN:

(1) ~~A PERSON~~ AN INDIVIDUAL WHO BECOMES A DEPENDENT OF THE ELIGIBLE EMPLOYEE THROUGH MARRIAGE, BIRTH, ADOPTION, OR PLACEMENT FOR ADOPTION;

(2) AN ELIGIBLE EMPLOYEE WHO ACQUIRES A NEW DEPENDENT THROUGH MARRIAGE, BIRTH, ADOPTION, OR PLACEMENT FOR ADOPTION; AND

(3) THE SPOUSE OF AN ELIGIBLE EMPLOYEE AT THE BIRTH OR ADOPTION OF A CHILD, PROVIDED THE SPOUSE IS OTHERWISE ELIGIBLE FOR COVERAGE.

(D) AN ELIGIBLE EMPLOYEE MAY NOT ENROLL A DEPENDENT DURING A SPECIAL ENROLLMENT PERIOD UNLESS THE ELIGIBLE EMPLOYEE:

(1) IS ENROLLED UNDER THE HEALTH BENEFIT PLAN; OR

(2) APPLIES FOR COVERAGE FOR THE ELIGIBLE EMPLOYEE DURING THE SAME SPECIAL ENROLLMENT PERIOD.

~~(D)~~ (E) THE SPECIAL ENROLLMENT PERIOD UNDER SUBSECTION (C) OF THIS SECTION SHALL BE A PERIOD OF NOT LESS THAN 31 DAYS AND SHALL BEGIN ON THE LATER OF:

(1) THE DATE DEPENDENT COVERAGE IS MADE AVAILABLE; OR

(2) THE DATE OF THE MARRIAGE, BIRTH, ADOPTION, OR PLACEMENT FOR ADOPTION, WHICHEVER IS APPLICABLE.