

Fifty-eighth  
Legislative Assembly  
of North Dakota

**SENATE BILL NO. 2281**

Introduced by

Senators Nething, Heitkamp

Representatives Ekstrom, Severson

1 A BILL for an Act to amend and reenact subparagraph a of paragraph 3 of subdivision d of  
2 subsection 3 of section 26.1-36.3-06 of the North Dakota Century Code, relating to small  
3 employer health benefit plans.

4 **BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

5 **SECTION 1. AMENDMENT.** Subparagraph a of paragraph 3 of subdivision d of  
6 subsection 3 of section 26.1-36.3-06 of the North Dakota Century Code is amended and  
7 reenacted as follows:

8 (3) (a) Except as provided in subparagraph b, a small employer carrier,  
9 in applying minimum participation requirements with respect to a  
10 small employer, ~~shall~~ may not consider employees or  
11 dependents who have qualifying existing coverage in determining  
12 whether the applicable percentage of participation is met. For  
13 purposes of determining the applicable percentage of  
14 participation under this subparagraph only, individual health  
15 benefit plans are not included in the definition of "qualifying  
16 existing coverage" under section 26.1-36.3-01.