

**HOUSE BILL NO. 1217**

Introduced by

Representatives Drovdal, Porter, Weiler

Senators Fischer, Trenbeath

1 A BILL for an Act to amend and reenact section 50-24.1-02.3 of the North Dakota Century  
2 Code, relating to the exclusion of pre-need funeral service contracts in determining eligibility for  
3 medical assistance.

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

5 **SECTION 1. AMENDMENT.** Section 50-24.1-02.3 of the North Dakota Century Code  
6 is amended and reenacted as follows:

7 **50-24.1-02.3. When designated pre-need funeral service contracts, prepayments,**  
8 **or deposits not to be considered in eligibility determination.** In determining eligibility for  
9 medical assistance, the department of human services may not consider as an available  
10 resource any pre-need funeral service contracts, prepayments, or deposits to a fund which total  
11 ~~three~~ ten thousand dollars or less designated by the applicant or recipient as set aside to pay  
12 for the applicant's or recipient's funeral. In addition, the applicant or recipient may designate all  
13 or a portion of the ~~three~~ ten thousand dollar asset limitation for funeral pre-need contracts,  
14 prepayments, or deposits. Interest or earnings retained in a funeral fund also may not be  
15 considered as an available resource. A pre-need funeral service contract, prepayment, or  
16 deposit designated under this section is not a multiple-party account for purposes of chapter  
17 30.1-31. No claim for payment of funeral expenses may be made against the estate of a  
18 deceased medical assistance recipient except to the extent that funds maintained in  
19 accordance with this section total less than ~~three~~ ten thousand dollars.