

Sixtieth
Legislative Assembly
of North Dakota

ENGROSSED SENATE BILL NO. 2336

Introduced by

Senators Dever, Fischer, Warner

Representative Klemin

1 A BILL for an Act to create and enact a new subdivision to subsection 1 of section 14-09-09.7
2 and a new subsection to section 14-09-09.7 of the North Dakota Century Code, relating to
3 liability for children's health insurance coverage or other medical support; to amend and reenact
4 section 14-09-08.10, subsection 3 of section 14-09-08.11, section 14-09-08.15, and
5 subsection 3 of section 14-09-09.10 of the North Dakota Century Code, relating to liability for
6 children's health insurance coverage or other medical support; and to provide an effective date.

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

8 **SECTION 1. AMENDMENT.** Section 14-09-08.10 of the North Dakota Century Code is
9 amended and reenacted as follows:

10 **14-09-08.10. Order.** Each order entered under this code for the support of a minor
11 child or the support of a child after majority under section 14-09-08.2 must include a provision
12 for the child's health insurance coverage for that child or other medical support.

13 ~~1. Except as provided in subsection 2, the~~ Responsibility for the child's health
14 insurance coverage or other medical support must be established according to
15 rules adopted by the public authority. The order must require the obligor obligated
16 party to provide satisfactory health insurance coverage whenever that coverage is
17 accessible to the child, as defined by the public authority, and available at
18 reasonable cost or becomes accessible and available at reasonable cost.

19 ~~2. If the obligee is an individual with physical custody of the child, the obligee must be~~
20 ~~required to provide satisfactory health insurance whenever that coverage is~~
21 ~~available at no or nominal cost.~~

22 To assist a court in identifying appropriate health insurance coverage under this section, the
23 public authority may publish a list of child-only health insurance policies and enter into an

1 agreement with one or more health insurers authorized to do business in this state to offer a
2 group health insurance policy for any child who is subject to an order under this section.

3 **SECTION 2. AMENDMENT.** Subsection 3 of section 14-09-08.11 of the North Dakota
4 Century Code is amended and reenacted as follows:

5 3. ~~Withholding~~ Unless otherwise provided by the public authority in compliance with
6 rules promulgated by the secretary of the United States department of health and
7 human services, withholding required by an order issued under section
8 14-09-09.15 must be satisfied before any payment is made to the insurer. If the
9 amount remaining is insufficient to pay the obligor's share of premiums for health
10 insurance coverage, the obligor may authorize additional withholding to pay the
11 obligor's share. If the obligor does not authorize additional withholding, and the
12 health insurance coverage will lapse as a result, the employer must promptly
13 inform the public authority of the insufficiency.

14 **SECTION 3. AMENDMENT.** Section 14-09-08.15 of the North Dakota Century Code is
15 amended and reenacted as follows:

16 **14-09-08.15. Reasonable cost of health insurance.** For purposes of this chapter,
17 health insurance is considered reasonable in cost if it is available to the obligor on a group
18 basis or through an employer or union, regardless of service delivery mechanism, or as
19 otherwise defined by the public authority in compliance with rules promulgated by the secretary
20 of the United States department of health and human services. The definition of reasonable
21 cost established by the public authority under this section must consider the scope of covered
22 services, the cost of coverage, and the amount of any copayments or deductibles. The public
23 authority also must consider the impact of the definition of reasonable cost of health insurance
24 on a child's potential participation in the children's health insurance program under chapter
25 50-29.

26 **SECTION 4.** A new subdivision to subsection 1 of section 14-09-09.7 of the North
27 Dakota Century Code is created and enacted as follows:

28 Include consideration of an obligated party's responsibility for health
29 insurance coverage or other medical support under section 14-09-08.10.

30 **SECTION 5.** A new subsection to section 14-09-09.7 of the North Dakota Century
31 Code is created and enacted as follows:

1 The guidelines established under this section may include a separate amount of
2 child support for the child's health insurance coverage or other medical support.

3 This amount may be in addition to, or in lieu of, health insurance coverage
4 provided to the child.

5 **SECTION 6. AMENDMENT.** Subsection 3 of section 14-09-09.10 of the North Dakota
6 Century Code is amended and reenacted as follows:

- 7 3. "Child support" means payments for the support of children, including payments for
8 health insurance coverage or other medical support, and combined payments for
9 the support of children and spouses or former spouses, however denominated, if
10 the payment is required by the order of a court or other governmental agency
11 having authority to issue such orders.

12 **SECTION 7. EFFECTIVE DATE.** Sections 1, 2, and 3 of this Act become effective on
13 the date the department of human services certifies to the legislative council as the effective
14 date of rules adopted to implement this Act.