

Sixty-first  
Legislative Assembly  
of North Dakota

## HOUSE BILL NO. 1204

Introduced by

Representatives Keiser, Klemin, Weisz

Senator J. Lee

A BILL for an Act to create and enact a new section to chapter 26.1-36 and a new section to chapter 54-52.1 of the North Dakota Century Code, relating to health insurance coverage for medical services related to intoxication; to amend and reenact subdivisions g and h of subsection 2 of section 26.1-36-04 of the North Dakota Century Code, relating to health insurance coverage of injuries caused by intoxication or the use of narcotics or incurred in the commission of a crime; and to provide a statement of legislative intent.

### BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

**SECTION 1. AMENDMENT.** Subdivisions g and h of subsection 2 of section 26.1-36-04 of the North Dakota Century Code are amended and reenacted as follows:

g. A provision that the insurer is not liable for any loss to which a contributing cause was the insured's commission of or attempt to commit a felony or to which a contributing cause was the insured's being engaged in an illegal occupation.

(1) This provision may not be used in a major medical expense policy.

(2) For purposes of this subdivision, "major medical expense policy" means an accident and sickness insurance policy that provides hospital, medical, and surgical expense coverage.

h. A provision that the insurer is not liable for any loss sustained or contracted in consequence of the insured's being intoxicated or under the influence of any narcotic unless administered on the advice of a physician.

(1) This provision may not be used in a major medical expense policy.

(2) For purposes of this subdivision, "major medical expense policy" means an accident and sickness insurance policy that provides hospital, medical, and surgical expense coverage.

1           **SECTION 2.** A new section to chapter 26.1-36 of the North Dakota Century Code is  
2 created and enacted as follows:

3           **Medical services related to intoxication.** An insurance company, nonprofit health  
4 service corporation, or health maintenance organization may not deliver, issue, execute, or  
5 renew any major medical expense policy on a group, blanket, franchise, or association basis  
6 unless the policy, contract, or evidence of coverage provides benefits, of the same type offered  
7 under the policy or contract for illnesses, for health services to any individual covered under the  
8 policy or contract for injury or illness resulting from any loss sustained or contracted in the  
9 consequence of the insured's being intoxicated or under the influence of any narcotic. For  
10 purposes of this section, "major medical expense policy" means an accident and sickness  
11 insurance contract that provides hospital, medical, and surgical expense coverage.

12           **SECTION 3.** A new section to chapter 54-52.1 of the North Dakota Century Code is  
13 created and enacted as follows:

14           **Insurance to cover medical services related to intoxication.** The board shall  
15 provide medical benefits coverage under a contract for insurance pursuant to section  
16 54-52.1-04 or under a self-insurance plan pursuant to section 54-52-04.2 for medical services  
17 related to intoxication in the same manner as provided for under section 2 of this Act.

18           **SECTION 4. LEGISLATIVE INTENT.** This Act is not a mandate of health insurance  
19 coverage of services under section 54-03-28.