

Sixty-second
Legislative Assembly
of North Dakota

ENGROSSED HOUSE BILL NO. 1291

Introduced by

Representatives Kasper, Headland, Thoreson, Weiler

Senators Klein, Wardner

1 A BILL for an Act to authorize the governor to enter the state in the interstate health care
2 freedom compact.

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

4 **SECTION 1.**

5 **Interstate health care freedom compact.**

6 The governor shall enter the interstate health care freedom compact on behalf of the state
7 in a form substantially as follows:

8 Interstate Health Care Freedom Compact

9 The party states agree to the following articles of the interstate health care freedom
10 compact.

11 Article I. Findings and Declaration of Policy

- 12 1. 4 U.S.C. 112 gives congressional consent "to any two or more States to enter into
13 agreements or compacts for cooperative effort and mutual assistance in the
14 prevention of crime and in the enforcement of their respective criminal laws and
15 policies, and to establish such agencies, joint or otherwise, as they may deem
16 desirable for making effective such agreements and compacts".
- 17 2. Pursuant to their police powers to protect public health, safety, welfare, and morals,
18 the party states have enacted or anticipate enacting laws or constitutional provisions
19 to protect and guarantee their residents' rights and freedom to pay, or not to pay,
20 directly for health care services and to participate, or not to participate, in health plans
21 and health systems.
- 22 3. The party states have enacted or anticipate enacting laws that make it a crime in their
23 states for anyone to interfere with their residents' enjoyment of the rights and
24 freedoms guaranteed by their respective health care freedom laws.

4. The party states find it necessary and deem it desirable for making effective their respective current or anticipated health care freedom criminal laws, as well as this agreement and compact, to do the following:
- a. Prohibit any governmental agent from depriving any resident of any party state of the rights and freedoms guaranteed under their respective current or anticipated health care freedom laws.
 - b. Prohibit any governmental agent from penalizing any resident of any party state for exercising the rights and freedoms guaranteed under their respective current or anticipated health care freedom laws.
 - c. Cooperate with each other and to give each other mutual assistance in the prevention of crimes under the health care freedom criminal laws of any party state.
 - d. Cooperate with each other and to give each other mutual assistance in the criminal prosecution of anyone who violates the health care freedom criminal laws of any party state.

Article II. Definitions

As used in this compact, unless the context clearly indicates otherwise:

1. "Compel" includes legal mandates, penalties, or fines.
2. "Health care freedom criminal laws" means any state law that makes it a crime for anyone to interfere with a resident's enjoyment of the freedoms protected and guaranteed by the state's respective health care freedom laws.
3. "Health care freedom laws" means any state law or constitutional provision that protects and guarantees a resident's freedom to pay or not to pay directly for lawful health care services and to participate or not to participate in health care plans and health care systems.
4. "Health care plan" means any legally binding arrangement under which at least one person or entity promises and undertakes, in exchange for consideration of a set or assessed amount of money, to make a payment to another party or a third party if a specified event occurs involving the provision of health care services.
5. "Health care system" means any public or private entity whose function or purpose is the management of, processing of, enrollment of individuals in health care plans or

1 1. The chief law enforcement officer of each party state shall enforce this agreement and
2 compact.

3 2. A taxpaying resident of any party state has standing in the courts of any party state to
4 require the chief law enforcement officer of any party state to enforce this agreement
5 and compact.

6 Article V. Compact Administrator and Interchange of Information

7 1. The governor of each party state, or the governor's designee, is the compact
8 administrator. The compact administrator shall:

9 a. Maintain an accurate list of all party states.

10 b. Consistent with subsections 3 and 4, transmit in a timely fashion to other party
11 states citations of all current health care freedom laws and current health care
12 freedom criminal laws of the compact administrator's respective state.

13 c. Receive and maintain a complete list of the health care freedom laws and health
14 care freedom criminal laws of each party state.

15 d. Formulate all necessary and proper procedures to effectuate this compact.

16 e. Delegate needed tasks to other state agencies.

17 2. The compact administrator of each party state shall furnish to the compact
18 administrator of each party state any information or documents that are reasonably
19 necessary to facilitate the administration of this compact.

20 3. Within ten days after executing this agreement and compact, and thereafter on the
21 close of each of their respective succeeding legislative sessions, the party states shall
22 notify each other in writing and by appropriate citation of each of their current health
23 care freedom laws, which shall be deemed within the subject matter of this agreement
24 and compact, unless the compact administrator of one or more party states gives
25 specific notice in writing to all other party states within sixty days of such notice that it
26 objects to the inclusion of such law or laws in this agreement and compact.

27 4. Within ten days after executing this agreement and compact, and thereafter on the
28 close of each of their respective succeeding legislative sessions, the party states shall
29 notify each other in writing and by appropriate citation of each of their current health
30 care freedom criminal laws, which shall be deemed within the subject matter of this
31 agreement and compact, unless the compact administrator of one or more party states

1 gives specific notice in writing to all other party states within sixty days of such notice
2 that it objects to the inclusion of such law or laws in this agreement and compact.

3 Article VI. Entry Into Effect and Withdrawal

4 1. This compact is deemed accepted when at least two states deliver a notice of
5 confirmation, which is duly executed by their respective authorized representative and
6 which acknowledges complete agreement to the terms of this compact, to each other's
7 governor, the office of the clerk of the United States house of representatives, the
8 office of the secretary of the United States senate, the president of the United States
9 senate, and the speaker of the United States house of representatives. Thereafter, the
10 compact is deemed accepted by any state when a respective notice of confirmation,
11 which is duly executed by the state's respective authorized representative and which
12 acknowledges complete agreement to the terms of this compact, is delivered to each
13 party state's compact administrator, the office of the clerk of the United States house
14 of representatives, the office of the secretary of the United States senate, the
15 president of the United States senate, and the speaker of the United States house of
16 representatives.

17 2. Four years after this compact first becomes effective, any party state may withdraw
18 from this compact by enacting a joint resolution declaring such withdrawal and
19 delivering notice of the withdrawal to each other party state. A withdrawal does not
20 affect the validity or applicability of the compact to states remaining party to the
21 compact.

22 Article VII. Construction and Severability

23 1. This compact shall be liberally construed so as to effectuate its purposes.

24 2. This compact is not intended to:

25 a. Affect which health care services a health care provider or hospital is required to
26 perform or provide under state or federal law.

27 b. Affect which health care services are permitted by state or federal law.

28 3. This compact is intended to operate as the law of the nation with respect to the party
29 states under 4 U.S.C. 112, to supersede any inconsistent state and federal law, and to
30 establish vested rights in favor of residents of the party states in the enjoyment of the

1 rights and freedoms protected by the respective health care freedom criminal laws and
2 guaranteed by the respective health care freedom laws.

3 4. If any phrase, clause, sentence, or provision of this compact is declared in a final
4 judgment by a court of competent jurisdiction to be contrary to the Constitution of the
5 United States or is otherwise held invalid, the validity of the remainder of this compact
6 shall not be affected.

7 5. If the applicability of any phrase, clause, sentence, or provision of this compact to any
8 government, agency, person, or circumstance is declared in a final judgment by a
9 court of competent jurisdiction to be contrary to the Constitution of the United States or
10 is otherwise held invalid, the validity of the remainder of this compact and the
11 applicability of the remainder of this compact to any government, agency, person, or
12 circumstance shall not be affected.

13 6. If this compact is held to be contrary to the constitution of any party state, the compact
14 shall remain in full force and effect as to the remaining party states and in full force
15 and effect as to the affected party state as to all severable matters.