

Introduced by

1 A BILL for an Act to create and enact section 26.1-36.4-03.2 of the North Dakota Century Code,
2 relating to individual health plan guaranteed issue; and to amend and reenact section
3 26.1-36.4-02 of the North Dakota Century Code, relating to health insurance definitions.

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

5 **SECTION 1. AMENDMENT.** Section 26.1-36.4-02 of the North Dakota Century Code is
6 amended and reenacted as follows:

7 **26.1-36.4-02. Definitions.**

8 As used in this chapter, the definitions in section 26.1-36.3-01 apply, unless the context
9 otherwise requires. In addition:

- 10 1. "Guaranteed issue" means an individual health plan is guaranteed to be issued to an
11 applicant regardless of health status, age, or income.
- 12 2. "Guaranteed availability" means an individual health plan is guaranteed to be available
13 to an applicant regardless of health status, age, or income.
- 14 3. "Individual health plan" has the same meaning as provided under section
15 26.1-36-02.2.
- 16 4. "Insurer" means any insurance company, nonprofit health service organization,
17 fraternal benefit society, or health maintenance organization that provides a plan of
18 health insurance or health benefits subject to state insurance regulation.
- 19 ~~2-5.~~ "Policy" means any health benefit plan as defined in section 26.1-36.3-01, whether
20 offered on a group or individual basis. The term does not include a short-term
21 limited-duration health insurance ~~plans~~plan offered in the individual market.
- 22 ~~3-6.~~ "Short-term limited-duration health insurance plan", except as required by the Health
23 Insurance Portability and Accountability Act of 1996, ~~is defined by~~has the same
24 meaning as provided under section 26.1-36-49.

1 **SECTION 2.** Section 26.1-36.4-03.2 of the North Dakota Century Code is created and
2 enacted as follows:

3 **26.1-36.4-03.2. Individual health plan - Guaranteed issue - Guaranteed availability.**

- 4 1. An insurer that offers an individual health plan shall offer that individual health plan to
5 all applicants as guaranteed availability and guaranteed issue.
6 2. An individual health plan may not include a pre-existing condition exclusion for a
7 condition for which a medical diagnosis or medical care was recommended or
8 provided before the effective date of the policy.