

**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 may enter the interstate health care freedom compact on behalf of the state in  
7 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 (hereinafter "health care freedom laws").
- 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

1 freedoms guaranteed by their respective health care freedom laws (hereinafter "health  
2 care freedom criminal laws").

3 4. The party states find it necessary and deem it desirable for making effective their  
4 respective current or anticipated health care freedom criminal laws, as well as this  
5 agreement and compact, to prohibit any governmental agent from depriving any  
6 resident of any party state of the rights and freedoms guaranteed under the respective  
7 current or anticipated health care freedom laws.

8 5. The party states find it necessary and deem it desirable for making effective their  
9 respective current or anticipated health care freedom criminal laws, as well as this  
10 agreement and compact, to prohibit any governmental agent from penalizing any  
11 resident of any party state for exercising the rights and freedoms guaranteed under  
12 the respective current or anticipated health care freedom laws.

13 6. The party states find it necessary and deem it desirable for making effective their  
14 respective current or anticipated health care freedom criminal laws, as well as this  
15 agreement and compact, to cooperate with each other and to give each other mutual  
16 assistance in the prevention of crimes under the health care freedom criminal laws of  
17 any party state.

18 7. The party states find it necessary and deem it desirable for making effective their  
19 respective current or anticipated health care freedom criminal laws, as well as this  
20 agreement and compact, to cooperate with each other and to give each other mutual  
21 assistance in the criminal prosecution of anyone who violates the health care freedom  
22 criminal laws of any party state.

## 23 Article II. Definitions

24 As used in this compact:

- 25 1. "Compel" includes legal mandates, penalties, or fines.  
26 2. "Direct payment or pay directly" means payment for lawful health care services without  
27 a public or private third party, not including an employer, paying for any portion of the  
28 service.  
29 3. "Health care freedom criminal laws" means any state law that makes it a crime in that  
30 state for anyone to interfere with that state's residents' enjoyment of the freedoms  
31 protected and guaranteed by that state's respective health care freedom laws. Within

1           ten days of executing this agreement and compact, and thereafter upon the close of  
2           each succeeding legislative session of a party state, that party state shall notify every  
3           other party state in writing and by appropriate citation of the party state's current  
4           health care freedom criminal laws, which shall be deemed within the subject matter of  
5           this agreement and compact unless the compact administrator of one or more party  
6           states gives specific notice in writing to the compact administrators of all other party  
7           states within sixty days thereafter that the compact administrator objects to the  
8           inclusion of such law or laws in this agreement and compact.

9           4. "Health care freedom laws" means any state law or constitutional provision that  
10           protects and guarantees a resident's freedom to pay, or not to pay, directly for lawful  
11           health care services and to participate, or not to participate, in health care plans and  
12           health care systems. Within ten days of executing this agreement and compact, and  
13           thereafter upon the close of each succeeding legislative session of a party state, that  
14           party state shall notify every other party state in writing and by appropriate citation of  
15           the party state's current health care freedom laws, which shall be deemed within the  
16           subject matter of this agreement and compact unless the compact administrator of one  
17           or more party states gives specific notice in writing to the compact administrators of all  
18           other party states within sixty days thereafter that the compact administrator objects to  
19           the inclusion of such law or laws in this agreement and compact.

20           5. "Health plan" means any legally binding arrangement under which at least one person  
21           promises and undertakes, in exchange for consideration of a set or assessed amount  
22           of money, to make a payment to either another party or to a third party, if a specified  
23           event occurs involving the provision of health care services.

24           6. "Health system" means any public or private entity whose function or purpose is the  
25           management of, processing of, enrollment of individuals in health plans, and/or for or  
26           payment for, in full or in part, health care services or health care data or health care  
27           information for its participants.

28           7. "Lawful health care services" means any health-related service or treatment to the  
29           extent that the service or treatment is permitted or not prohibited by law or regulation  
30           that may be provided by persons otherwise permitted to offer such services.



- 1       1. The governor of each party state, or the governor's designee, is the "compact  
2       administrator" of this compact for the governor's state. The compact administrator  
3       shall:
  - 4       a. Maintain an accurate list of all party states;
  - 5       b. Transmit in a timely fashion to other party states, as provided herein, citations of  
6       all current health care freedom laws and current health care freedom criminal law  
7       of the compact administrator's respective state;
  - 8       c. Receive and maintain a complete listing of the health care freedom laws and  
9       health care freedom criminal laws of each party state;
  - 10      d. Formulate all necessary and proper procedures to effectuate this compact; and
  - 11      e. Delegate, as appropriate, needed tasks to other state agencies.
- 12      2. The compact administrator of each party state shall furnish to the compact  
13      administrator of each other party state any information or documents reasonably  
14      necessary to facilitate the enforcement and administration of this compact.

Article VI. Entry Into Force and Withdrawal

- 16      1. This compact is deemed accepted when at least two states deliver a notice of  
17      confirmation, which is duly executed by their respective authorized representatives,  
18      acknowledging complete agreement to the terms of this compact, to each other's  
19      governor, the office of the clerk of the United States house of representatives, the  
20      office of the secretary of the United States senate, the president of the United States  
21      senate, and the speaker of the United States house of representatives. Thereafter, the  
22      compact is deemed accepted by any state when a respective notice of confirmation,  
23      which is duly executed by the state's respective authorized representatives,  
24      acknowledging complete agreement to the terms of this compact, is delivered to each  
25      party state's compact administrator, the office of the clerk of the United States house  
26      of representatives, the office of the secretary of the United States senate, the  
27      president of the United States senate, and the speaker of the United States house of  
28      representatives. The form of the notice of confirmation must be in a form substantially  
29      equivalent to the following:

"Notice of Confirmation



- 1            b. Affect which health care services are permitted by state or federal law.
- 2            3. This compact is intended to operate as the law of the nation with respect to the party  
3            states under 4 U.S.C. 112, to supersede any inconsistent state and federal law, and to  
4            establish vested rights in favor of residents of the party states in the enjoyment of the  
5            rights and freedoms protected by the respective health care freedom criminal laws and  
6            guaranteed by the respective health care freedom laws.
- 7            4. If any phrase, clause, sentence, or provision of this compact is declared in a final  
8            judgment by a court of competent jurisdiction to be contrary to the Constitution of the  
9            United States or otherwise held invalid, it must be severed from this compact, and the  
10           validity of the remainder of this compact is not affected thereby.
- 11           5. If the applicability of any phrase, clause, sentence, or provision of this compact to any  
12           government, agency, person, or circumstance is declared in a final judgment by a  
13           court of competent jurisdiction to be contrary to the Constitution of the United States or  
14           otherwise held invalid, it must be severed from this compact, and the validity of the  
15           remainder of this compact and the applicability thereof to any government, agency,  
16           person, or circumstance is not affected thereby.
- 17           6. If this compact is held contrary to the constitution of any party state thereto, the  
18           compact must remain in full force and effect as to remaining party states and in full  
19           force and effect as to the state affected as to all severable matters.