

**FIRST ENGROSSMENT
with House Amendments
ENGROSSED SENATE BILL NO. 2309**

Introduced by

Senators Sitte, Berry, Dever

Representatives Kasper, Keiser, Ruby

1 A BILL for an Act to create and enact a new section to chapter 26.1-36 and a new section to
2 chapter 54-03 of the North Dakota Century Code, relating to accident and health insurance
3 coverage and federal health care reform legislation.

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

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

7 **Health insurance coverage not required - Freedom to choose and provide medical**
8 **services.**

- 9 1. Regardless of whether a resident of this state has or is eligible for health insurance
10 coverage under a health insurance policy, health service contract, or evidence of
11 coverage by or through an employer, under a plan sponsored by the state or federal
12 government, or from any source, a person may not require the resident to obtain or
13 maintain a policy of health coverage or penalize a resident for failure to obtain or
14 maintain a policy of health coverage. This subsection does not apply to coverage that
15 is required by a court order or by the department of human services through a court or
16 administrative proceeding.
- 17 2. Regardless of whether a resident of this state has or is eligible for health insurance
18 coverage, a person may not take any action or inaction that would have the effect of:
- 19 a. Preventing, attempting to prevent, interfering with, or withholding medical
20 treatment from that resident; or
- 21 b. Preventing, attempting to prevent, or interfering with that resident's choice or
22 selection of a qualified medical treatment provider located in this state for the
23 provision of legal medical treatment.

- 1 3. A person may not prevent, attempt to prevent, or interfere with the provision of legal
2 medical treatment by a qualified medical treatment provider located in this state to a
3 resident of this state.
- 4 4. This section does not apply to:
- 5 a. An individual who voluntarily applies for coverage under a state-administered
6 program pursuant to the medical assistance program under title XIX of the
7 federal Social Security Act [42 U.S.C. 1396 et seq.] or the state's children's health
8 insurance program under title XXI of the federal Social Security Act
9 [42 U.S.C. 1397aa et seq.].
- 10 b. A student who is required by an institution of higher education to obtain and
11 maintain health insurance as a condition of enrollment.
- 12 c. An individual who is required by a religious institution to obtain and maintain
13 health insurance.
- 14 5. This section does not impair the right of an individual to contract privately for health
15 insurance coverage for family members or former family members or the right of an
16 employer to contract voluntarily for health insurance coverage for employees.

17 **SECTION 2.** A new section to chapter 54-03 of the North Dakota Century Code is created
18 and enacted as follows:

19 **Federal health care reform law.**

- 20 1. The legislative assembly declares that the federal laws known as the Patient
21 Protection and Affordable Care Act [Pub. L. 111-148] and the Health Care and
22 Education Reconciliation Act of 2010 [Pub. L. 111-152] likely are not authorized by the
23 United States Constitution and may violate its true meaning and intent as given by the
24 founders and ratifiers.
- 25 2. The legislative assembly shall consider enacting any measure necessary to prevent
26 the enforcement of the Patient Protection and Affordable Care Act and the Health Care
27 and Education Reconciliation Act of 2010 within this state.