

**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 **Freedom to choose and provide medical services.**

8 1. Regardless of whether a resident of this state has or is eligible for health insurance
9 coverage:

10 a. That resident has the right to seek medical treatment and services from any
11 properly licensed medical provider in this state;

12 b. A person may not prevent or interfere with the right of any properly licensed
13 medical provider in this state to provide to that resident medical treatment and
14 services within that medical provider's scope of practice; and

15 c. A medical provider in this state has the right to provide or deny medical treatment
16 and services to that resident as provided by law.

17 2. This section does not apply to:

18 a. An individual who voluntarily applies for coverage under a state-administered
19 program pursuant to the medical assistance program under title XIX of the
20 federal Social Security Act [42 U.S.C. 1396 et seq.] or the state's children's health
21 insurance program under title XXI of the federal Social Security Act
22 [42 U.S.C. 1397aa et seq.].

23 b. A student who is required by an institution of higher education to obtain and
24 maintain health insurance as a condition of enrollment.

- 1 c. An individual who is required by a religious institution to obtain and maintain
2 health insurance.
- 3 d. Health care benefits provided under the federal railroad system.
- 4 e. The terms or conditions of any health insurance policy or health service contract
5 or of any other contractual arrangement for the provision of health care services
6 offered through a private health care system or accident and health insurance
7 company administering accident and health insurance policies and certificates as
8 permitted under the laws of this state, regardless of whether entered before or
9 after the effective date of this Act.
- 10 f. The right of a person to negotiate or enter a private contract for health insurance
11 for an individual, family, business, or employee with an insurance company,
12 third-party administrator, or other provider of health care services or health
13 insurance permitted under the laws of this state.
- 14 g. The application of the federal Emergency Medical Treatment and Active Labor
15 Act [42 U.S.C. 1395dd et seq.].

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

18 **Federal health care reform law.**

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