Sixty-sixth
Legislative Assembly
of North Dakota

HOUSE CONCURRENT RESOLUTION NO. 3026

Introduced by

Representative Keiser

A concurrent resolution urging Congress and the Internal Revenue Service to allow states to determine health benefit coverage requirements without jeopardizing health savings account eligibility.

WHEREAS, high-deductible health plans have become the fastest growing product in the insurance market and health savings accounts (HSAs) insure tens-of-millions of Americans in the employer market and millions more who shop within each state's individual market; and

WHEREAS, HSAs are regulated primarily by the Internal Revenue Service (IRS), with one critical feature of qualification being the prohibition of covering medical expenses that are not preventive in nature without cost-sharing; and

WHEREAS, pursuant to federal law, states regulate the business of insurance and thus the quality and quantity of health insurance products available within each state's borders and states decide what benefits must be covered by a policy of insurance within their borders; and

WHEREAS, by enacting first-dollar insurance mandates or coverage requirements for benefits other than preventive care, states risk disqualifying otherwise HSA-qualified fully insured plans; and

WHEREAS, in states in which a nonpreventive benefit is required to be covered without cost-sharing, HSA owners become ineligible to contribute to their HSAs and must find replacement health insurance;

NOW, THEREFORE, BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF NORTH DAKOTA, THE SENATE CONCURRING THEREIN:

That the Sixty-sixth Legislative Assembly urges the Congress of the United States and the IRS to allow states to determine health benefit coverage requirements without jeopardizing HSA eligibility; and

BE IT FURTHER RESOLVED, that the Secretary of State forward copies of this resolution to the Commissioner of Internal Revenue and to each member of the North Dakota Congressional Delegation.