

FIRST ENGROSSMENT

ENGROSSED SENATE BILL NO. 2348

Introduced by

Senators Weston, Cleary, Paulson

Representatives K. Anderson, S. Olson, Fisher

1 A BILL for an Act to create and enact a new section to chapter 15-10 and a new chapter to
2 title 50 of the North Dakota Century Code, relating to the acceptance of health care sharing
3 ministries by an institution of higher education and health care sharing ministries' exemptions
4 from insurance laws and regulations.

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

6 **SECTION 1.** A new section to chapter 15-10 of the North Dakota Century Code is created
7 and enacted as follows:

8 **Institutions of higher education - Acceptance of health care sharing ministries as**
9 **health care coverage.**

- 10 1. A student's active participation in a health care sharing ministry, as defined under
11 section 2 of this Act, satisfies any requirement that a student enrolled in an institution
12 of higher education maintain health care coverage, except as provided in
13 subsection 2.
- 14 2. Notwithstanding subsection 1, this section does not apply to an international student
15 who is required to maintain health insurance coverage in compliance with federal visa
16 regulations, including students holding J, F, or M visas. Institutions of higher education
17 shall require these students to obtain a health insurance policy that meets the
18 minimum standards provided by the United States department of state and a state
19 board of higher education policy governing health insurance requirements for
20 international students.

21 **SECTION 2.** A new chapter to title 50 of the North Dakota Century Code is created and
22 enacted as follows:

1 **Definitions.**

2 As used in this chapter, "health care sharing ministry" means a nonprofit organization that:

- 3 1. Is recognized as tax exempt under section 501(c)(3) of the United States Internal
4 Revenue Code [26 U.S.C. 501(c)(3)];
- 5 2. Limits its participants to members who share a common set of ethical or religious
6 beliefs;
- 7 3. Acts as a facilitator among participants who have financial or medical needs to assist
8 participants with financial or medical needs according to criteria established by the
9 health care sharing ministry;
- 10 4. With no assumption of risk or promise to pay, provides for the financial or medical
11 needs of a participant through contributions from other participants, which were
12 contributed by participants with no assumption of risk or promise to pay;
- 13 5. Provides to participants each month the total dollar amount of qualified needs shared
14 during the previous month according to criteria established by the health care sharing
15 ministry;
- 16 6. Annually conducts an audit performed by an independent certified public accounting
17 firm according to generally accepted accounting principles and publishes the audit on
18 the health care sharing ministry's website or provides a copy upon request; and
- 19 7. Provides a written disclaimer on or accompanying all applications and guideline
20 materials distributed by or on behalf of the organization which explains:
- 21 a. The organization facilitating the sharing of medical expenses is not an insurance
22 company and its guidelines and plan of operation are not an insurance policy;
- 23 b. Whether anyone chooses to assist the participant with medical bills is voluntary;
- 24 c. Participation in the organization or a subscription to its documents is not
25 insurance; and
- 26 d. Regardless of whether the participant receives payments or the organization
27 continues to operate, the participant is responsible for the payment of the
28 participant's medical bills.

29 **Health care sharing ministry.**

30 A health care sharing ministry may not be considered to be engaging in the business of
31 insurance and is exempt from regulations applicable to insurance entities.