

IN THE SENATE

SENATE BILL NO. 1100

BY HEALTH AND WELFARE COMMITTEE

AN ACT

1 RELATING TO HEALTH CARE SHARING MINISTRIES; PROVIDING A SHORT TITLE; AMEND-  
2 ING CHAPTER 1, TITLE 41, IDAHO CODE, BY THE ADDITION OF A NEW SECTION  
3 41-121, IDAHO CODE, TO PROVIDE THAT A HEALTH CARE SHARING MINISTRY SHALL  
4 NOT BE CONSIDERED TO BE ENGAGING IN THE BUSINESS OF INSURANCE FOR THE  
5 PURPOSES OF TITLE 41, IDAHO CODE, TO DEFINE A TERM AND TO PROVIDE FOR AP-  
6 PPLICATION OF THE CONSUMER PROTECTION ACT; AND PROVIDING SEVERABILITY.  
7

8 Be It Enacted by the Legislature of the State of Idaho:

9 SECTION 1. SHORT TITLE. This act shall be known as the "Health Care  
10 Sharing Ministries Freedom to Share Act."

11 SECTION 2. That Chapter 1, Title 41, Idaho Code, be, and the same is  
12 hereby amended by the addition thereto of a NEW SECTION, to be known and des-  
13 ignated as Section 41-121, Idaho Code, and to read as follows:

14 41-121. EXEMPTION OF HEALTH CARE SHARING MINISTRIES FROM THE INSUR-  
15 ANCE CODE. (1) A health care sharing ministry shall not be considered to be  
16 engaging in the business of insurance for purposes of this title.

17 (2) As used in this section, "health care sharing ministry" means a  
18 faith-based nonprofit organization that is tax exempt under the Internal  
19 Revenue Code which:

20 (a) Limits its participants to those who are of a similar faith;

21 (b) Acts as a facilitator among participants who have financial or med-  
22 ical needs and matches those participants with other participants with  
23 the present ability to assist those with financial or medical needs in  
24 accordance with criteria established by the health care sharing min-  
25 istry;

26 (c) Provides for the financial or medical needs of a participant  
27 through contributions from one (1) participant to another;

28 (d) Provides amounts that participants may contribute with no assump-  
29 tion of risk or promise to pay among the participants and no assumption  
30 of risk or promise to pay by the health care sharing ministry to the par-  
31 ticipants;

32 (e) Provides a written monthly statement to all participants that lists  
33 the total dollar amount of qualified needs submitted to the health care  
34 sharing ministry, as well as the amount actually published or assigned  
35 to participants for their contribution; and

36 (f) Provides a written disclaimer on or accompanying all applications  
37 and guideline materials distributed by or on behalf of the organization  
38 that reads, in substance: "Notice: The organization facilitating the  
39 sharing of medical expenses is not an insurance company, and neither its  
40 guidelines nor plan of operation is an insurance policy. Whether any-  
41 one chooses to assist you with your medical bills will be totally volun-

1 tary because no other participant will be compelled by law to contribute  
2 toward your medical bills. As such, participation in the organization  
3 or a subscription to any of its documents should never be considered to  
4 be insurance. Regardless of whether you receive any payment for medical  
5 expenses or whether this organization continues to operate, you are al-  
6 ways personally responsible for the payment of your own medical bills."

7 (3) It is hereby declared that participation in or operation of a health  
8 care sharing ministry does not constitute an unfair or deceptive act or prac-  
9 tice in the conduct of trade or commerce prohibited by chapter 6, title 48,  
10 Idaho Code.

11 SECTION 3. SEVERABILITY. The provisions of this act are hereby declared  
12 to be severable and if any provision of this act or the application of such  
13 provision to any person or circumstance is declared invalid for any reason,  
14 such declaration shall not affect the validity of the remaining portions of  
15 this act.