

Fifty-seventh  
Legislative Assembly  
of North Dakota

ENGROSSED HOUSE BILL NO. 1144

Introduced by

Industry, Business and Labor Committee

(At the request of the Insurance Commissioner)

1 A BILL for an Act to create and enact section 26.1-36-09.11 of the North Dakota Century Code,  
2 relating to insurance coverage for breast reconstruction surgery; and to amend and reenact  
3 subsection 5 of section 26.1-36.3-05 and subsection 5 of section 26.1-36.4-05 of the North  
4 Dakota Century Code, relating to renewability of health insurance coverage.

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

6 **SECTION 1.** Section 26.1-36-09.11 of the North Dakota Century Code is created and  
7 enacted as follows:

8 **26.1-36-09.11. Breast reconstruction surgery.** An insurance company, nonprofit  
9 health service corporation, or health maintenance organization may not deliver, issue, execute,  
10 or renew any health insurance policy, health service contract, or evidence of coverage on an  
11 individual, group, blanket, or franchise basis unless the policy, contract, or evidence of  
12 insurance provides the benefit provisions of the federal Women's Health and Cancer Rights Act  
13 of 1998 [Pub. L. 105-277; 112 Stat. 2681-337; 42 U.S.C. 300gg-6]. This section does not apply  
14 to individual or group supplemental, specified disease, long-term care, or other limited benefit  
15 policies.

16 **SECTION 2. AMENDMENT.** Subsection 5 of section 26.1-36.3-05 of the 1999  
17 Supplement to the North Dakota Century Code is amended and reenacted as follows:

18 5. At the time of coverage renewal, a health insurance carrier may modify the health  
19 insurance coverage for a product offered to a group health plan, if for coverage  
20 that is available in such market other than only through one or more bona fide  
21 associations, the modification is reasonable, consistent with state law and effective  
22 on a uniform basis among group health plans with that product. If coverage is  
23 modified, the carrier shall:

- 1           a. Provide advance notice of its decision under this subsection to the  
2                   commissioner at least three working days prior to mailing the notice to the  
3                   affected small employers and participants and beneficiaries.  
4           b. Provide notice of the decision to modify health coverage to all affected small  
5                   employers, participants, and beneficiaries and the commissioner sixty days  
6                   prior to the modification of health coverage by the carrier.

7           **SECTION 3. AMENDMENT.** Subsection 5 of section 26.1-36.4-05 of the 1999  
8 Supplement to the North Dakota Century Code is amended and reenacted as follows:

- 9           5. At the time of coverage renewal, an insurer may modify the health insurance  
10                   coverage for a product offered to a group or individual, if the modification is  
11                   reasonable, consistent with state law and effective on a uniform basis. If coverage  
12                   is modified, the carrier shall:  
13           a. Provide advance notice of its decision under this subsection to the  
14                   commissioner at least three working days prior to mailing the notice to the  
15                   affected employers and participants and beneficiaries.  
16           b. Provide notice of the decision to modify health coverage to all affected  
17                   employers, participants, and beneficiaries and the commissioner sixty days  
18                   prior to the modification of health coverage by the carrier.