

SENATE BILL NO. 125

INTRODUCED BY WITTICH, ARNTZEN, BALYEAT, HENDRICK, MCGILLVRAY, MILLER, C. SMITH,
VINCENT

A BILL FOR AN ACT ENTITLED: "AN ACT PROHIBITING MONTANA STATE GOVERNMENT FROM
ADMINISTERING FEDERAL HEALTH INSURANCE PURCHASE REQUIREMENTS."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

NEW SECTION. Section 1. Legislative finding -- direction to state agencies not to administer health insurance purchase requirement. (1) The legislature finds that the enactment by the U.S. congress of Public Law 111-148 and Public Law 111-152, requiring individuals to purchase health insurance and imposing on certain employers a liability for an assessable payment for not contributing toward employees' health insurance, will cause unneeded expense and inconvenience to individuals without health insurance and to those certain employers.

(2) Notwithstanding the provisions of Title 2, chapter 1, part 4, an agency of this state, as defined in 2-18-101, may not implement or enforce in any way the provisions of Public Law 111-148 and Public Law 111-152 or any federal regulation or policy implementing Public Law 111-148 and Public Law 111-152 that relates to the requirement for individuals to purchase health insurance and maintain minimum essential health insurance coverage.

(3) In addition to the provisions in subsection (2), the prohibition under this section includes:

(a) for the purposes of public employers, a prohibition on requiring any employee as defined in 2-18-701 to obtain or maintain a policy of health insurance to comply with Public Law 111-148 and Public Law 111-152; and

(b) participation by a state official or state employee on a board, a study commission, or a related entity of the national association of insurance commissioners assigned to recommend provisions to implement the individual mandate to purchase health insurance under the federal health care reforms provided in Public Law 111-148 and Public Law 111-152.

(4) This section does not interfere with:

(a) voluntary actions taken by individuals to purchase health insurance or to participate in health



1 insurance exchanges; or

2 (b) the state requirement to purchase motor vehicle liability insurance as provided in 61-6-301.

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4 NEW SECTION. **Section 2. Codification instruction.** [Section 1] is intended to be codified as an
5 integral part of Title 2, and the provisions of Title 2 apply to [section 1].

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