

AN ACT

ENTITLED, An Act to assure payment of health benefits for injuries sustained by an insured person operating a motor vehicle under the influence of alcohol or drugs.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

Section 1. That chapter 58-17 be amended by adding thereto a NEW SECTION to read as follows:

A policy or certificate of health insurance for an individual that is delivered, issued for delivery, or renewed in this state may not exclude the payment of benefits for injuries sustained by an insured person because the insured was under the influence of alcohol or drugs, as defined by § 32-23-1.

Section 2. That chapter 58-18 be amended by adding thereto a NEW SECTION to read as follows:

A group health insurance policy or certificate that is delivered, issued for delivery, or renewed in this state may not exclude the payment of benefits for injuries sustained by an insured person because the insured was under the influence of alcohol or drugs, as defined by § 32-23-1.

Section 3. That chapter 58-18B be amended by adding thereto a NEW SECTION to read as follows:

A health benefit plan of a small employer carrier that is delivered, issued for delivery, or renewed in this state may not exclude the payment of benefits for injuries sustained by an insured person because the insured was under the influence of alcohol or drugs, as defined by § 32-23-1.

Section 4. That chapter 58-38 be amended by adding thereto a NEW SECTION to read as follows:

A service or indemnity-type contract issued by a nonprofit medical or surgical service plan corporation that is delivered, issued for delivery, or renewed in this state may not exclude the payment of benefits for injuries sustained by an insured person because the insured was under the influence of alcohol or drugs, as defined by § 32-23-1.

Section 5. That chapter 58-40 be amended by adding thereto a NEW SECTION to read as follows:

A service or indemnity-type contract issued by a nonprofit hospital service plan or organization that is delivered, issued for delivery, or renewed in this state may not exclude the payment of benefits for injuries sustained by an insured person because the insured was under the influence of alcohol or drugs, as defined by § 32-23-1.

Section 6. That chapter 58-41 be amended by adding thereto a NEW SECTION to read as follows:

A health maintenance contract that is delivered, issued for delivery, or renewed in this state may not exclude the payment of benefits for injuries sustained by an insured person because the insured was under the influence of alcohol or drugs, as defined by § 32-23-1.

Section 7. Nothing in this Act precludes a health insurer, hospital or medical service plan, a health maintenance organization, or any self-funded plan from excluding coverage for an insured for any sickness or injury caused in the commission of a felony.

An Act to assure payment of health benefits for injuries sustained by an insured person operating a motor vehicle under the influence of alcohol or drugs.

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I certify that the attached Act originated in the

SENATE as Bill No. 211

\_\_\_\_\_  
Secretary of the Senate

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\_\_\_\_\_  
President of the Senate

Attest:

\_\_\_\_\_  
Secretary of the Senate

\_\_\_\_\_  
Speaker of the House

Attest:

\_\_\_\_\_  
Chief Clerk

Senate Bill No. 211  
File No. \_\_\_\_\_  
Chapter No. \_\_\_\_\_

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Received at this Executive Office this \_\_\_\_ day of \_\_\_\_\_ ,

19\_\_ at \_\_\_\_ M.

By \_\_\_\_\_  
for the Governor

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The attached Act is hereby approved this \_\_\_\_\_ day of \_\_\_\_\_ , A.D., 19\_\_

\_\_\_\_\_  
Governor

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STATE OF SOUTH DAKOTA,  
ss.

Office of the Secretary of State

Filed \_\_\_\_\_ , 19\_\_  
at \_\_\_\_\_ o'clock \_\_ M.

\_\_\_\_\_  
Secretary of State

By \_\_\_\_\_  
Asst. Secretary of State