

State of South Dakota

SEVENTY-SECOND SESSION
LEGISLATIVE ASSEMBLY, 1997

477A0697

SENATE JUDICIARY COMMITTEE ENGROSSED

NO. **SB211** - 2/18/97

Introduced by: Senators Drake, Benson, and Thompson and Representatives Duenwald, Brown
(Jarvis), and Monroe

1 FOR AN ACT ENTITLED, An Act to assure payment of health benefits for injuries sustained

2 by an insured person operating a motor vehicle under the influence of alcohol or drugs.

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

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

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

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

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

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

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

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

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

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

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

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

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

25 Section 7. Nothing in this Act precludes a health insurer, hospital or medical service plan, a

- 1 health maintenance organization, or any self-funded plan from excluding coverage for an insured
- 2 for any sickness or injury caused in the commission of a felony.

1 **BILL HISTORY**

2 1/29/97 First read in Senate and referred to Judiciary. S.J. 220

3 2/3/97 Deferred to another day.

4 2/14/97 Scheduled for Committee hearing on this date.

5 2/14/97 Judiciary Do Pass Amended, AYES 7, NAYS 0. S.J. 467