

State of South Dakota

SEVENTY-THIRD SESSION
LEGISLATIVE ASSEMBLY, 1998

292B0160

HOUSE BILL NO. 1125

Introduced by: Representatives Fischer-Clemens, Crisp, Davis, Duniphan, Duxbury, Gleason, Jorgensen, Moore, Munson (Donald), Van Gerpen, and Weber and Senators Olson, Albers, Hunhoff, Morford, and Munson (David)

1 FOR AN ACT ENTITLED, An Act to require health benefit plans to cover previously
2 uninsurable individuals.

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 Any health benefit plan covering individuals shall make available a basic health benefit plan
7 that provides coverage similar to that provided by the basic health benefit plan approved
8 pursuant to § 58-18B-32 to an individual who applies for the plan, agrees to make the required
9 premium payments, and agrees to satisfy other reasonable provisions of the plan. The carrier may
10 not discriminate against an individual who has previously been uninsurable because of a
11 preexisting condition or who has been eligible for insurance only at excessive rates. Excessive
12 rates are rates that are more than two times the average rate for a basic health benefit plan in this
13 state. A carrier may not modify a basic health benefit plan for an individual or a dependent
14 through riders, endorsements, or other means to restrict or exclude coverage for certain diseases
15 or medical conditions, although waiting periods no more restrictive than those in § 58-17-84 may

1 apply to preexisting conditions.