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Legislative Document

No. 950

S.P. 296

In Senate, March 8, 2011

An Act To Exempt Health Care Sharing Ministries from Insurance Requirements

Reference to the Committee on Insurance and Financial Services suggested and ordered printed.

Joseph G. Carleton Jr.

JOSEPH G. CARLETON, JR.
Secretary of the Senate

Presented by Senator THIBODEAU of Waldo.

1 **Be it enacted by the People of the State of Maine as follows:**

2 **Sec. 1. 24-A MRSA §704, sub-§1**, as enacted by PL 2001, c. 79, §1, is amended
3 to read:

4 **1. Health insurance.** For purposes of this Title, except as provided in subsection 2
5 and subsection 3, "health insurance" means insurance of human beings against bodily
6 injury, disablement or death by accident or accidental means, or the expense thereof, or
7 against disablement or expense resulting from sickness, and every insurance appertaining
8 thereto, including provision for the mental and emotional welfare of human beings by
9 defraying the costs of legal services only to the extent provided for in chapter 38.

10 **Sec. 2. 24-A MRSA §704, sub-§3** is enacted to read:

11 **3. Health care sharing ministry.** As used in this Title and Title 24, the use of
12 "health insurance" and related terms such as "accident and health insurance," "accident
13 and sickness insurance," "carrier," "health," "health benefit plan," "health care," "health
14 insurer" or "insurer" does not include, unless specifically provided otherwise in the law, a
15 health care sharing ministry, and a health care sharing ministry may not be considered to
16 be engaged in the business of insurance for the purposes of this Title. For the purposes of
17 this section, "health care sharing ministry" means a faith-based, nonprofit organization
18 that is exempt from taxation under the federal Internal Revenue Code and that:

19 A. Limits participation in the health care sharing ministry to individuals who have a
20 particular religious affiliation;

21 B. Acts as a facilitator among participants who have financial and medical needs and
22 matches those participants with other participants with the present ability to assist
23 those with financial and medical needs in accordance with criteria established by the
24 health care sharing ministry;

25 C. Provides for the financial and medical needs of a participant through monetary
26 contributions from one participant to another;

27 D. Provides amounts that participants may contribute without any assumption of risk
28 or promise to pay among the participants and requires no assumption of risk or
29 promise to pay by the health care sharing ministry to the participants;

30 E. Provides a written monthly statement to all participants that lists the total dollar
31 amount of qualified needs submitted to the health care sharing ministry, as well as the
32 amount actually published or assigned to participants for their contribution; and

33 F. Provides a written disclaimer on or accompanying all applications and guideline
34 materials distributed by or on behalf of the organization that reads in substance:
35 "Notice: The organization facilitating the sharing of medical expenses is not an
36 insurance company and neither its guidelines nor plan of operation is an insurance
37 policy. Whether anyone chooses to assist you with your medical bills will be totally
38 voluntary because no other participant will be compelled by law to contribute toward
39 your medical bills. Participation in the organization or a subscription to any of its
40 documents should never be considered to be insurance. Regardless of whether you
41 receive payment for medical expenses or whether this organization continues to

