

1 HB343
2 136668-2
3 By Representatives Buttram, McClendon, Henry, Galliher and
4 Hill
5 RFD: Health
6 First Read: 16-FEB-12

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ENROLLED, An Act,

To create The Health Care Sharing Ministries Freedom to Share Act; to authorize a health care sharing ministry to match persons with medical needs and medically related financial needs with participants in the health care sharing ministry who are willing to provide medical and financial support; to provide for the matching process; and to exempt the health care sharing ministry from regulation as an insurance company.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. This act shall be known and may be cited as "The Health Care Sharing Ministries Freedom to Share Act."

Section 2. (a) Health care sharing ministry means a faith-based nonprofit organization that is tax exempt under the Internal Revenue Code and which does all of the following:

(1) Limits its participants to those who are of a similar faith.

(2) Acts as a facilitator among participants who have financial or medical needs and matches those participants with other participants with the present ability to assist those with financial or medical needs in accordance with criteria established by the health care sharing ministry.

1 (3) Provides for the financial or medical needs of a
2 participant through contributions from one participant to another.

3 (b) The health care sharing ministry shall specify
4 to participants that participants may contribute with no
5 assumption of risk or promise to pay among the participants
6 and no assumption of risk or promise to pay by the health care
7 sharing ministry to the participants.

8 (c) The health care sharing ministry shall provide a
9 written monthly statement to all participants that lists the
10 total dollar amount of qualified needs submitted to the health
11 care sharing ministry, as well as the amount actually assigned
12 to participants for their contribution.

13 (d) The health care sharing ministry shall provide
14 to all applicants for assistance a written disclaimer on or
15 accompanying all applications and guideline materials
16 distributed by or on behalf of the organization that reads, in
17 substance: "Notice: The organization facilitating the sharing
18 of medical expenses is not an insurance company, and neither
19 its guidelines nor plan of operation is an insurance policy.
20 Whether anyone chooses to assist you with your medical bills
21 will be totally voluntary because no other participant will be
22 compelled by law to contribute toward your medical bills. As
23 such, participation in the organization or a subscription to
24 any of its documents should never be considered to be
25 insurance. Regardless of whether you receive any payment for

1 medical expenses or whether this organization continues to
2 operate, you are always personally responsible for the payment
3 of your own medical bills."

4 Section 3. A health care sharing ministry shall not
5 be considered to be engaging in the business of insurance
6 pursuant to Title 27, Code of Alabama 1975, for purposes of
7 this act.

8 Section 4. This act shall become effective on the
9 first day of the third month following its passage and
10 approval by the Governor, or its otherwise becoming law.

