SENATE BILL 475

52ND LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2015

INTRODUCED BY

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AN ACT

RELATING TO INSURANCE; PROVIDING THAT A HEALTH CARE SHARING

MINISTRY IS NOT ENGAGING IN THE BUSINESS OF INSURANCE.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

SECTION 1. A new section of the New Mexico Insurance Code

is enacted to read:

"[NEW MATERIAL] HEALTH CARE SHARING MINISTRY.--

A. A health care sharing ministry shall not be

considered to be engaging in the business of insurance for

purposes of the Insurance Code.

B. As used in this section, "health care sharing

ministry" means a nonprofit faith-based organization that:

(1) is described in Section 501(c)(3) of the

federal Internal Revenue Code of 1986 and is exempt from

taxation under section 501(a) of that code;

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(2) limits its participants to those of a similar faith;

(3) acts as a facilitator between participants who have financial or medical needs and other participants with the present ability to assist those in need in accordance with criteria established by the health care sharing ministry; and

(4) provides for the financial or medical needs of a participant through contributions from one participant to another.

C. A health care sharing ministry may suggest amounts that participants may contribute to other participants with no assumption of risk or promise to pay on the part of the participants or of the health care sharing ministry.

D. A health care sharing ministry shall:

(1) provide a written monthly statement to all participants listing the total amount of qualified needs submitted to the health care sharing ministry, as well as the amount of contributions allocated to participants; and

(2) place a written disclaimer in ten point bold-faced type on all applications and materials distributed by or on behalf of the organization providing notice that:

(a) the organization is a health care sharing ministry;

(b) the organization is not an insurance company;

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1   (c)   participation in the organization
should not be considered insurance;

                        (d)   a participant is not required by
contract or law to assist any other participant with medical
bills; and

                        (e)   neither receipt of assistance
through, nor participation in, the organization alters the
participant's legal responsibility for the participant's own
medical bills."

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