

Sixty-second  
Legislative Assembly  
of North Dakota

ENGROSSED HOUSE BILL NO. 1291

Introduced by

Representatives Kasper, Headland, Thoreson, Weiler

Senators Klein, Wardner

1 A BILL for an Act to authorize the governor to enter the state in the interstate health care  
2 freedom compact.

3 **BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

4 **SECTION 1.**

5 **Interstate health care freedom compact.**

6 The governor shall enter the interstate health care freedom compact on behalf of the state  
7 in a form substantially as follows:

8 Interstate Health Care Freedom Compact

9 The party states agree to the following articles of the interstate health care freedom  
10 compact.

11 Article I. Findings and Declaration of Policy

12 1. 4 U.S.C. 112 gives congressional consent "to any two or more States to enter into  
13 agreements or compacts for cooperative effort and mutual assistance in the  
14 prevention of crime and in the enforcement of their respective criminal laws and  
15 policies, and to establish such agencies, joint or otherwise, as they may deem  
16 desirable for making effective such agreements and compacts".

17 2. Pursuant to their police powers to protect public health, safety, welfare, and morals,  
18 the party states have enacted or anticipate enacting laws or constitutional provisions  
19 to protect and guarantee their residents' rights and freedom to pay, or not to pay,  
20 directly for health care services and to participate, or not to participate, in health plans  
21 and health systems.

22 3. The party states have enacted or anticipate enacting laws that make it a crime in their  
23 states for anyone to interfere with their residents' enjoyment of the rights and  
24 freedoms guaranteed by their respective health care freedom laws.





1       1. The chief law enforcement officer of each party state shall enforce this agreement and  
2       compact.

3       2. A taxpaying resident of any party state has standing in the courts of any party state to  
4       require the chief law enforcement officer of any party state to enforce this agreement  
5       and compact.

6                   Article V. Compact Administrator and Interchange of Information

7       1. The governor of each party state, or the governor's designee, is the compact  
8       administrator. The compact administrator shall:

9           a. Maintain an accurate list of all party states.

10          b. Consistent with subsections 3 and 4, transmit in a timely fashion to other party  
11          states citations of all current health care freedom laws and current health care  
12          freedom criminal laws of the compact administrator's respective state.

13          c. Receive and maintain a complete list of the health care freedom laws and health  
14          care freedom criminal laws of each party state.

15          d. Formulate all necessary and proper procedures to effectuate this compact.

16          e. Delegate needed tasks to other state agencies.

17       2. The compact administrator of each party state shall furnish to the compact  
18       administrator of each party state any information or documents that are reasonably  
19       necessary to facilitate the administration of this compact.

20       3. Within ten days after executing this agreement and compact, and thereafter on the  
21       close of each of their respective succeeding legislative sessions, the party states shall  
22       notify each other in writing and by appropriate citation of each of their current health  
23       care freedom laws, which shall be deemed within the subject matter of this agreement  
24       and compact, unless the compact administrator of one or more party states gives  
25       specific notice in writing to all other party states within sixty days of such notice that it  
26       objects to the inclusion of such law or laws in this agreement and compact.

27       4. Within ten days after executing this agreement and compact, and thereafter on the  
28       close of each of their respective succeeding legislative sessions, the party states shall  
29       notify each other in writing and by appropriate citation of each of their current health  
30       care freedom criminal laws, which shall be deemed within the subject matter of this  
31       agreement and compact, unless the compact administrator of one or more party states

1 gives specific notice in writing to all other party states within sixty days of such notice  
2 that it objects to the inclusion of such law or laws in this agreement and compact.

3 Article VI. Entry Into Effect and Withdrawal

- 4 1. This compact is deemed accepted when at least two states deliver a notice of  
5 confirmation, which is duly executed by their respective authorized representative and  
6 which acknowledges complete agreement to the terms of this compact, to each other's  
7 governor, the office of the clerk of the United States house of representatives, the  
8 office of the secretary of the United States senate, the president of the United States  
9 senate, and the speaker of the United States house of representatives. Thereafter, the  
10 compact is deemed accepted by any state when a respective notice of confirmation,  
11 which is duly executed by the state's respective authorized representative and which  
12 acknowledges complete agreement to the terms of this compact, is delivered to each  
13 party state's compact administrator, the office of the clerk of the United States house  
14 of representatives, the office of the secretary of the United States senate, the  
15 president of the United States senate, and the speaker of the United States house of  
16 representatives.
- 17 2. Four years after this compact first becomes effective, any party state may withdraw  
18 from this compact by enacting a joint resolution declaring such withdrawal and  
19 delivering notice of the withdrawal to each other party state. A withdrawal does not  
20 affect the validity or applicability of the compact to states remaining party to the  
21 compact.

22 Article VII. Construction and Severability

- 23 1. This compact shall be liberally construed so as to effectuate its purposes.
- 24 2. This compact is not intended to:
- 25 a. Affect which health care services a health care provider or hospital is required to  
26 perform or provide under state or federal law.
- 27 b. Affect which health care services are permitted by state or federal law.
- 28 3. This compact is intended to operate as the law of the nation with respect to the party  
29 states under 4 U.S.C. 112, to supersede any inconsistent state and federal law, and to  
30 establish vested rights in favor of residents of the party states in the enjoyment of the

- 1            rights and freedoms protected by the respective health care freedom criminal laws and  
2            guaranteed by the respective health care freedom laws.
- 3            4. If any phrase, clause, sentence, or provision of this compact is declared in a final  
4            judgment by a court of competent jurisdiction to be contrary to the Constitution of the  
5            United States or is otherwise held invalid, the validity of the remainder of this compact  
6            shall not be affected.
- 7            5. If the applicability of any phrase, clause, sentence, or provision of this compact to any  
8            government, agency, person, or circumstance is declared in a final judgment by a  
9            court of competent jurisdiction to be contrary to the Constitution of the United States or  
10           is otherwise held invalid, the validity of the remainder of this compact and the  
11           applicability of the remainder of this compact to any government, agency, person, or  
12           circumstance shall not be affected.
- 13           6. If this compact is held to be contrary to the constitution of any party state, the compact  
14           shall remain in full force and effect as to the remaining party states and in full force  
15           and effect as to the affected party state as to all severable matters.