

State of South Dakota

EIGHTY-EIGHTH SESSION
LEGISLATIVE ASSEMBLY, 2013

814U0515

HOUSE COMMERCE AND ENERGY ENGROSSED NO. **HB 1103** - 01/30/2013

Introduced by: Representatives Rounds, Cronin, Greenfield, Hawley, Parsley, and Solum and
Senators Krebs, Heineman (Phyllis), Holien, Lederman, Maher, and
Rampelberg

1 FOR AN ACT ENTITLED, An Act to exempt credit health insurers from certain provisions
2 related to preexisting conditions.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

4 Section 1. That § 58-17-97 be amended to read as follows:

5 58-17-97. Any accident and sickness policy or certificate subject to the provisions of this
6 chapter, other than credit health insurance as defined in subdivision 58-19-2(1) and a health
7 benefit plan as defined in § 58-17-66, shall comply with the following provisions:

8 (1) No policy or certificate may deny, exclude, or limit benefits for a covered individual
9 for claims incurred more than twelve months following the effective date of the
10 person's coverage due to a preexisting condition;

11 (2) No policy or certificate may define a preexisting condition more restrictively than:

12 (a) A condition that would have caused an ordinarily prudent person to seek
13 medical advice, diagnosis, care, or treatment during the twelve months
14 immediately preceding the effective date of coverage;



1 (b) A condition for which medical advice, diagnosis, care, or treatment was
2 recommended or received during the twelve months immediately preceding
3 the effective date of coverage; or

4 (c) A pregnancy existing on the effective date of coverage.

5 Section 2. That § 58-18-86 be amended to read as follows:

6 58-18-86. Any accident and sickness plan or certificate other than credit health insurance
7 as defined in subdivision 58-19-2(1) and a health benefit plan is subject to subdivision 58-18-
8 45(1).