**A** **BILL**

TO AMEND CHAPTER 5, TITLE 38 OF THE 1976 CODE, RELATING TO THE AUTHORITY AND REQUIREMENTS TO TRANSACT BUSINESS, BY ADDING SECTION 38‑5‑25, TO PROVIDE THAT A HEALTH CARE SHARING MINISTRY IS NOT CONSIDERED TO BE ENGAGING IN THE BUSINESS OF INSURANCE AND NOT SUBJECT TO REGULATION BY THE DEPARTMENT OF INSURANCE, AND TO DEFINE NECESSARY TERMS.

Be it enacted by the General Assembly of the State of South Carolina:

SECTION 1. This act may be cited as the “Health Care Sharing Ministries Freedom to Share Act”.

SECTION 2. Chapter 5, Title 38 of the 1976 Code is amended by adding:

“Section 38‑5‑25. (A) For the purposes of this section, a ‘health care sharing ministry’ means a faith‑based, nonprofit organization that is tax‑exempt under the Internal Revenue Code that:

(1) limits its participants to people who share a similar faith;

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

(3) provides for the financial or medical needs of participants through contributions from one participant or multiple participants to another;

(4) provides amounts that participants may contribute with no assumption of risk or promise to pay among the participants and no assumption of risk or promise to pay by the health care sharing ministry to the participants;

(5) provides a written monthly statement to all participants that lists the total dollar amount of qualified needs submitted to the health care sharing ministry, as well as the amount actually published or assigned to participants for their contributions; and

(6) provides a written disclaimer on or accompanying all applications and guideline materials distributed by or on behalf of the health care sharing ministry that reads: ‘Important Notice: The health care sharing ministry facilitating the sharing of medical expenses is not a health insurance company, and its guidelines and plan of operation are not insurance policies. Any participant choosing to assist you with your medical bills will be totally voluntary because no participant or group of participants will be compelled by law to contribute toward your medical bills. As such, participation in the organization or a subscription to any of its documents should never be considered to be insurance. Regardless of if you receive any payment for medical expenses or if this organization continues to operate, you are always personally responsible for the payment of your own medical bills’.

(B) A health care sharing ministry is not considered to be engaging in the business of insurance and is not subject to regulation by the department.”

SECTION 3. If any section, subsection, paragraph, subparagraph, sentence, clause, phrase, or word of this act is for any reason held to be unconstitutional or invalid, then such holding shall not affect the constitutionality or validity of the remaining portions of this act, the General Assembly hereby declaring that it would have passed this act and each and every section, subsection, paragraph, subparagraph, sentence, clause, phrase, and word thereof, irrespective of the fact that any one or more other sections, subsections, paragraphs, subparagraphs, sentences, clauses, phrases, or words hereof may be declared to be unconstitutional, invalid, or otherwise ineffective.

SECTION 4. The repeal or amendment by this act of any law, whether temporary, permanent, civil, or criminal, does not affect pending actions, rights, duties, or liabilities founded thereon or alter, discharge, release, or extinguish any penalty, forfeiture, or liability incurred under the repealed or amended law, unless the repealed or amended provision shall so expressly provide. After the effective date of this act, all laws repealed or amended by this act must be taken and treated as remaining in full force and effect for the purpose of sustaining any pending or vested right, civil action, special proceeding, criminal prosecution, or appeal existing as of the effective date of this act and for the enforcement of rights, duties, penalties, forfeitures, and liabilities as they stood under the repealed or amended laws.

SECTION 5. This act takes effect upon approval by the Governor.

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