A bill for an act

relating to insurance; enacting the Minnesota Freedom to Buy and Sell Act; providing Minnesota employers and residents with the freedom to buy health coverage approved for sale in any state; providing insurance companies the freedom to sell in this state any health coverage permitted for sale in any other state; amending Minnesota Statutes 2006, section 62A.02, by adding a subdivision.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

Section 1. Minnesota Statutes 2006, section 62A.02, is amended by adding a subdivision to read:

Subd. 8. **Right to buy and sell health coverage approved in other state.** (a) This subdivision may be referenced as the Minnesota Freedom to Buy and Sell Act.

(b) For purposes of this subdivision:

(1) "Commissioner" means the commissioner of commerce or the commissioner of health, as appropriate, depending upon which commissioner would have authority over the insurance company or health plan if it were subject to the laws of this state.

(2) "Health plan" has the meaning given in section 62A.011, subdivision 3, but including coverage described in clause (10) of that subdivision, and without regard to the references in that subdivision to the entities providing the health plan being licensed in or operating under the laws of this state.

(3) "Insurance company," "domestic," "alien," "foreign," and "state" have the meanings given in this section. Insurance company includes a health maintenance organization or health service plan corporation, whether nonprofit or for profit.

(c) Notwithstanding any other law of this state to the contrary, any resident of this state and any employer that employs residents of this state may purchase a health plan that has not been approved by the commissioner, if the health plan is permitted to be sold in any other state.

(d) Notwithstanding any other law of this state to the contrary, any insurance company, whether domestic, foreign, or alien, that is permitted to offer, sell, issue, or renew a health plan in any other state under the laws of that state, may also do so with respect to that health plan in this state. The insurance company need not have a certificate of authority, license, or other authorization from the commissioner to do business in this state. This paragraph does not exempt the insurance company from compliance with chapter 303, relating to foreign business entities.

(e) Notwithstanding any other law of this state to the contrary, any insurance agent licensed or otherwise permitted to offer and sell health plans in this state or in a state in which the health plan is permitted to be offered and sold, may offer and sell to a resident of this state or to an employer that employs residents of this state any health plan permitted to be offered and sold under paragraph (d), and is not, in connection with that transaction, subject to the laws of this state regulating insurance agents.

(f) Notwithstanding any other law of this state to the contrary, an insurance company and a health plan offered, issued, sold, or renewed by the insurance company under authority of this subdivision are:

(1) not, in connection with that health plan, subject to the authority of the commissioner in any respect, and the insurance company need not provide any filing or notification to the commissioner;

(2) not, in connection with that health plan, required to comply with any law of this state relating to insurance companies or health plans, including, but not limited to, chapters 45 and 60A to 72C; and

(3) subject to the tax laws of this state, including chapter 297I, on the same basis as other insurance companies doing business in this state and other health plans sold in this state.

EFFECTIVE DATE. This section is effective the day following final enactment.