

1 ENGROSSED HOUSE
JOINT
2 RESOLUTION NO. 1054

By: Ritze, Reynolds, Ortega,
Murphey, Moore, Peters,
3 Terrill, Thompson, Martin
(Steve), Key, Christian,
4 Faught, Kern, Tibbs,
5 Sanders and Jett of the
House

6 and

7 Brogdon and Sykes of the
8 Senate

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11 (proposed amendment to the Constitution - new
12 Section 5 to Article XIX - health care systems -
13 ballot title -
14 filing)

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18 BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES AND THE SENATE OF THE
19 2ND SESSION OF THE 52ND OKLAHOMA LEGISLATURE:

20 SECTION 1. The Secretary of State shall refer to the people for
21 their approval or rejection, as and in the manner provided by law,
22 the following proposed amendment to the Oklahoma Constitution which
23 would add a new section to be designated as Section 5 of Article
24 XIX:

1 Section 5. A. To preserve the freedom of Oklahomans to provide
2 for their health care:

3 1. A law or rule shall not compel, directly or indirectly, any
4 person, employer or health care provider to participate in any
5 health care system; and

6 2. A person or employer may pay directly for lawful health care
7 services and shall not be required to pay penalties or fines for
8 paying directly for lawful health care services. A health care
9 provider may accept direct payment for lawful health care services
10 and shall not be required to pay penalties or fines for accepting
11 direct payment from a person or employer for lawful health care
12 services.

13 B. Subject to reasonable and necessary rules that do not
14 substantially limit a person's options, the purchase or sale of
15 health insurance in private health care systems shall not be
16 prohibited by law or rule.

17 C. This section shall not:

18 1. Affect which health care services a health care provider or
19 hospital is required to perform or provide;

20 2. Affect which health care services are permitted by law;

21 3. Prohibit care provided pursuant to Article XIX of this
22 Constitution or any statutes enacted by the Legislature relating to
23 workers' compensation;

24 4. Affect laws or rules in effect as of January 1, 2011; or

1 5. Affect the terms or conditions of any health care system to
2 the extent that those terms and conditions do not have the effect of
3 punishing a person or employer for paying directly for lawful health
4 care services or a health care provider or hospital for accepting
5 direct payment from a person or employer for lawful health care
6 services.

7 D. For the purposes of this section:

8 1. "Compel" includes penalties and fines;

9 2. "Direct payment" or "pay directly" means payment for lawful
10 health care services without a public or private third party, not
11 including an employer, paying for any portion of the service;

12 3. "Health care system" means any public or private entity
13 whose function or purpose is the management of, processing of,
14 enrollment of individuals for or payment for, in full or in part,
15 health care services or health care data or health care information
16 for its participants;

17 4. "Lawful health care services" means any health-related
18 services or treatment to the extent that the service or treatment is
19 permitted or not prohibited by law or regulation that may be
20 provided by persons or businesses otherwise permitted to offer such
21 services; and

22 5. "Penalties" or "fines" means any civil or criminal penalty
23 or fine, tax, salary or wage withholding or surcharge or any named
24 fee with a similar effect established by law or rule by a government

1 established, created or controlled agency that is used to punish or
2 discourage the exercise of rights protected under this section.

3 SECTION 2. The Ballot Title for the proposed Constitutional
4 amendment as set forth in SECTION 1 of this resolution shall be in
5 the following form:

6 BALLOT TITLE

7 Legislative Referendum No. _____ State Question No. _____

8 THE GIST OF THE PROPOSITION IS AS FOLLOWS:

9 This measure amends the Oklahoma Constitution. It would add a
10 new Section 5 to Article 19. This amendment makes the purchase
11 of health care services voluntary. No law or rule can require a
12 person to purchase health care insurance. No penalties or fines
13 can be imposed on a person who chooses not to purchase health
14 care insurance.

15 SHALL THE PROPOSAL BE APPROVED?

16 FOR THE PROPOSAL - YES _____

17 AGAINST THE PROPOSAL - NO _____

18 SECTION 3. The Chief Clerk of the House of Representatives,
19 immediately after the passage of this resolution, shall prepare and
20 file one copy thereof, including the Ballot Title set forth in
21 SECTION 2 hereof, with the Secretary of State and one copy with the
22 Attorney General.

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1 Passed the House of Representatives the 11th day of March, 2010.

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4 Presiding Officer of the House of
Representatives

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6 Passed the Senate the ____ day of _____, 2010.

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9 Presiding Officer of the Senate