

ENROLLED HOUSE
JOINT
RESOLUTION NO. 1054

By: Ritze, Reynolds, Ortega,
Murphey, Moore, Peters,
Terrill, Thompson, Martin
(Steve), Key, Christian,
Faught, Kern, Tibbs,
Sanders, Jett, Coody,
Derby, Wesselhoft, McDaniel
(Randy), Sullivan, Wright
(John) and Duncan of the
House

and

Brogdon, Sykes, Jolley,
Aldridge, Stanislowski,
Lamb, Ford, Halligan,
Bingman, Barrington,
Schulz, Johnson (Mike),
Reynolds, Branan, Brown,
Newberry, Russell, Justice,
Coffee, Anderson, Nichols,
Coates, Marlatt, Myers and
Crain of the Senate

A Joint Resolution relating to insurance; providing that participation in certain health care systems shall not be compulsory; providing that direct purchase of health care shall not be subject to penalty or fine; prohibiting the imposition of penalties or fines for certain reasons; defining terms; authorizing the employment of legal counsel for certain purpose; and providing for codification.

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

SECTION 1. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 6049 of Title 36, unless there is created a duplication in numbering, reads as follows:

A. To preserve the freedom of Oklahomans to provide for their health care:

1. No resident of this state, regardless of whether the resident has or is eligible for health insurance coverage under any policy or program provided by or through an employer, or a plan sponsored by the state or the federal government, shall be required to obtain or maintain a policy of individual insurance coverage except as required by a court or the Department of Human Services in a case in which an individual is named a party in a judicial or administrative proceeding. No provision of law or administrative rule shall render a resident of this state liable for any penalty, assessment, fee, or fine as a result of the failure of the resident to procure or obtain health insurance coverage. This paragraph shall not apply to individuals voluntarily applying for coverage under a state-administered program pursuant to Title XIX or Title XXI of the Social Security Act; and

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

B. Subject to reasonable and necessary rules that do not substantially limit a person's options, the purchase or sale of health insurance in private health care systems shall not be prohibited by law or administrative rule nor shall any law or administrative rule impair the rights of persons to privately contract for health insurance for family members or former family members.

C. This section shall not:

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

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

3. Affect laws or administrative rules in effect as of January 1, 2011; or

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

D. For the purposes of this section:

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

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

3. "Lawful health care services" means any health-related services or treatment to the extent that the service or treatment is permitted or not prohibited by law, administrative rule, or regulation that may be provided by persons or businesses otherwise permitted to offer such services; and

4. "Penalties" or "fines" means any civil or criminal penalty or fine, tax, salary or wage withholding or surcharge or any named fee with a similar effect established by law or administrative rule or regulation by a government established, created or controlled agency that is used to punish or discourage the exercise of rights protected under this section.

E. The President Pro Tempore of the Senate and the Speaker of the House of Representatives are hereby authorized to employ legal counsel to file a lawsuit against the United States Congress, the President of the United States of America, and the Secretary of the United States Department of Health and Human Services to prevent the provisions of the Patient Protection and Affordable Care Act (PPACA) from taking effect.

Passed the House of Representatives the 28th day of April, 2010.

Presiding Officer of the House of
Representatives

Passed the Senate the 4th day of May, 2010.

Presiding Officer of the Senate