

THE HOUSE OF REPRESENTATIVES
Monday, February 15, 2010

House Joint Resolution No. 1054

HOUSE JOINT RESOLUTION NO. 1054 - By: RITZE, REYNOLDS AND ORTEGA of the House and BROGDON AND SYKES of the Senate.

A Joint Resolution directing the Secretary of State to refer to the people for their approval or rejection a proposed amendment to the Constitution of the State of Oklahoma by adding a new Section 5 to Article XIX; providing that participation in certain health care systems shall not be compulsory; providing that direct purchase of health care shall not be penalized or fined; prohibiting the imposition of penalties or fines for certain reasons; defining terms; providing ballot title; and directing filing.

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

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

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

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

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

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

9 C. This section shall not:

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

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

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

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

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

20 D. For the purposes of this section:

21 1. "Compel" includes penalties and fines;

1 No law or rule can require a person to purchase health care insurance. No penalties
2 or fines can be imposed on a person who chooses not to purchase health care
3 insurance.

4 SHALL THE PROPOSAL BE APPROVED?

5 FOR THE PROPOSAL — YES _____

6 AGAINST THE PROPOSAL — NO _____

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

11 COMMITTEE REPORT BY: COMMITTEE ON RULES, dated 02-11-10 - DO PASS, As
12 Coauthored.