

1 STATE OF OKLAHOMA

2 2nd Session of the 52nd Legislature (2010)

3 HOUSE JOINT
4 RESOLUTION 1054

By: Ritze and Reynolds

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6 AS INTRODUCED

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

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20 BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES AND THE SENATE OF THE
21 2ND SESSION OF THE 52ND OKLAHOMA LEGISLATURE:

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

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

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

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

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

15 C. This section shall not:

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

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

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

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

23 5. Affect the terms or conditions of any health care system to
24 the extent that those terms and conditions do not have the effect of

1 punishing a person or employer for paying directly for lawful health
2 care services or a health care provider or hospital for accepting
3 direct payment from a person or employer for lawful health care
4 services.

5 D. For the purposes of this section:

6 1. "Compel" includes penalties and fines;

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

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

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

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

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

4 BALLOT TITLE

5 Legislative Referendum No. _____ State Question No. _____

6 THE GIST OF THE PROPOSITION IS AS FOLLOWS:

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

13 SHALL THE PROPOSAL BE APPROVED?

14 FOR THE PROPOSAL - YES _____

15 AGAINST THE PROPOSAL - NO _____

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

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22 52-2-9408 SDR 12/21/09

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