

1 STATE OF OKLAHOMA

2 2nd Session of the 54th Legislature (2014)

3 HOUSE BILL 2421

By: Ritze

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6 AS INTRODUCED

7 An Act relating to insurance; prohibiting state from  
8 aiding in the enforcement of certain federal act;  
9 permitting Attorney General to bring certain action;  
10 requiring certain notice; permitting certain tax  
11 deduction by residents; prohibiting state from  
12 establishing a health care exchange; prohibiting  
13 state from participating in health care exchange  
14 established by nonprofit organization; prohibiting  
15 state from receiving certain grants; declaring  
16 certain insurance contract as void and unenforceable;  
17 prohibiting state from participating in certain in-  
18 home visitation program pursuant to certain act;  
19 providing for codification; and providing an  
20 effective date.

21 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

22 SECTION 1. NEW LAW A new section of law to be codified  
23 in the Oklahoma Statutes as Section 4604 of Title 36, unless there  
24 is created a duplication in numbering, reads as follows:

25 A. No agency of the state, officer or employee of this state,  
26 acting on behalf of the state, may engage in an activity that aids  
27 any agency in the enforcement of those provisions of the Patient  
28 Protection and Affordable Care Act of 2010 and any subsequent  
29 federal act that amends the Patient Protection and Affordable Care

1 Act of 2010 that exceed the authority of the United States  
2 Constitution.

3 B. The Legislature of the State of Oklahoma is empowered to  
4 take all necessary actions to ensure that the provisions of  
5 subsection A of this section are adhered to by all agencies,  
6 departments and political subdivisions of this state.

7 SECTION 2. NEW LAW A new section of law to be codified  
8 in the Oklahoma Statutes as Section 4605 of Title 36, unless there  
9 is created a duplication in numbering, reads as follows:

10 Whenever the Attorney General of Oklahoma has reasonable cause  
11 to believe that a person or business is being harmed by  
12 implementation of the Patient Protection and Affordable Care Act and  
13 that proceedings would be in the public interest, the Attorney  
14 General of Oklahoma may bring an action in the name of the state  
15 against such person or entity causing the harm to restrain by  
16 temporary restraining order, temporary injunction, or permanent  
17 injunction the use of such methods, act, or practice. Unless the  
18 Attorney General of Oklahoma determines in writing that the purposes  
19 of this section will be substantially impaired by delay in  
20 instituting legal proceedings, the Attorney General of Oklahoma  
21 shall, at least three (3) days before instituting a legal proceeding  
22 as provided in this section, give notice to the person or entity  
23 against whom the proceeding is contemplated and give such person or  
24 entity an opportunity to present reasons to the Attorney General of

1 Oklahoma why a proceeding should not be instituted. The action may  
2 be brought in a court of competent jurisdiction. Whenever the court  
3 issues a permanent injunction in connection with an action, which  
4 has become final, the court shall award reasonable costs to the  
5 state.

6 SECTION 3. NEW LAW A new section of law to be codified  
7 in the Oklahoma Statutes as Section 4606 of Title 36, unless there  
8 is created a duplication in numbering, reads as follows:

9 An Oklahoma resident taxpayer who is subjected to a tax by the  
10 Internal Revenue Code under 26 U.S.C., Section 5000A of the Patient  
11 Protection and Affordable Care Act shall receive a tax deduction in  
12 the exact amount of the taxes or penalty paid the federal government  
13 pursuant to 26 U.S.C., Section 5000A. The tax deduction allowed by  
14 this section must be used in the year the federal tax or penalty is  
15 paid.

16 SECTION 4. NEW LAW A new section of law to be codified  
17 in the Oklahoma Statutes as Section 4607 of Title 36, unless there  
18 is created a duplication in numbering, reads as follows:

19 A. For purposes of this section, "health care exchange" means  
20 an American Health Benefit Exchange established by any state or  
21 political subdivision of a state, as provided for in the Patient  
22 Protection and Affordable Care Act of 2010.

23 B. Neither the state nor a political subdivision including, but  
24 not limited to, counties, municipalities, or special purpose

1 districts of the state may establish a health care exchange for the  
2 purchase of health insurance.

3 C. Neither the state nor a political subdivision including, but  
4 not limited to, counties, municipalities, or special purpose  
5 districts of the state may establish a health care exchange  
6 established by a nonprofit organization.

7 D. The Patient Protection and Affordable Care Act of 2010  
8 provides numerous grants to the states for the implementation  
9 thereof, including:

10 1. Grants to the states for affordable choices of health  
11 benefit plans, Section 1311 (42 U.S.C., Section 18031);

12 2. Grants to the states for reinsurance for early retirees,  
13 Section 1102 (42 U.S.C., Section 18002);

14 3. Grants to the states under preexisting condition insurance  
15 plan, Section 1101 (42 U.S.C., Section 18001);

16 4. Grants to the states to enable them (or exchanges) to  
17 establish, expand or provide support for:

18 a. offices of health insurance consumer assistance, and

19 b. health insurance ombudsman programs,

20 Section 2793 (42 U.S.C., Section 300gg-93);

21 5. Grants to the states to promote universal access to trauma  
22 care services, Section 1281, (42 U.S.C., Section 300d-81);

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1       6. Grants to the states to promote awareness of health  
2 improvement across the life span, Section 4004 (42 U.S.C., Section  
3 300u-12);

4       7. Grants to the states to carry out initiatives to provide  
5 incentives to Medicaid beneficiaries to reduce or prevent chronic  
6 diseases, Section 4108 (42 U.S.C., Section 1396a);

7       8. Community Transformation Grants, Section 4201 (42 U.S.C.,  
8 Section 300u-13);

9       9. Grants to the states to carry out five-year pilot programs  
10 to provide public health community interventions, screenings, and  
11 clinical referrals for individuals fifty-five (55) to sixty-four  
12 (64) years of age, Section 4202 (42 U.S.C., Section 300u-14);

13       10. Grants to the states for immunizations for adults, Section  
14 4204 (42 U.S.C., Section 274b);

15       11. Grants to the state health departments to assist in  
16 improving surveillance for, and response to, infectious diseases and  
17 other conditions of public health, Section 2821 (42 U.S.C., Section  
18 300hh-31);

19       12. Grants to the states for health care workforce development,  
20 Section 5102 (42 U.S.C., Section 294r);

21       13. Grants to the states for primary care extension, Section  
22 5405 (42 U.S.C., Section 280g-12);

23       14. Grants to the states for elder justice, Section 2031 (42  
24 U.S.C., Section 1397);

- 1        15. Grants to the states for establishment of Pregnancy  
2 Assistance Fund, Section 10212 (42 U.S.C., Section 18202);
- 3        16. Grants to the states for demonstration projects to evaluate  
4 alternatives to current medical tort litigation, Section 10607 (42  
5 U.S.C., Section 280g-15);
- 6        17. Grants to the states for trauma care centers and service  
7 availability, Section 3505 (42 U.S.C., Section 300d-4) and Section  
8 1281 (42 U.S.C., Section 300d-81);
- 9        18. Grants (loans) to the states to assist in establishment of  
10 co-ops, Section 1322 (42 U.S.C., Section 18042);
- 11       19. Grants to the states for regionalized systems for emergency  
12 care response, Section 1204 (42 U.S.C., Section 300d-6);
- 13       20. Grants or contracts to the states to implement medication  
14 management services in treatment of chronic diseases, Section 3503  
15 at 935 (42 U.S.C., Section 299b-35);
- 16       21. Grants to the states for maternal and child health  
17 services, Section 2951 (42 U.S.C., Section 711);
- 18       22. Grants to the states for support, education and research  
19 for postpartum depression, Section 2952 (42 U.S.C., Section 712);
- 20       23. Grants to the states for extension of and revisions to  
21 Medicare Rural Hospital Flexibility Program, Section 3129 (42  
22 U.S.C., Section 1395i-4(j));

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1 24. Grants to the states for outreach, and assistance for low-  
2 income programs, additional funding for state health insurance  
3 programs, Section 3306 (42 U.S.C., Section 1395w-23(f));

4 25. Grants to the states for quality improvement, technical  
5 assistance and implementation, Section 3501 at 934 (42 U.S.C.,  
6 Section 299b-34);

7 26. Grants to the states to establish community health teams to  
8 support the patient-centered medical home, Section 3502 (42 U.S.C.,  
9 Section 256a-1);

10 27. Grants to the states to expand state aging and disability  
11 resource centers, Section 2405 (42 U.S.C., Section  
12 3012(a)(20)(B)(iii) and Section 202(b)(8));

13 28. Grants to the states for abstinence education, Section 2954  
14 (42 U.S.C., Section 710);

15 29. Grants to states and others for the development of school-  
16 based clinics, Section 4101 (42 U.S.C., Section 280H-4);

17 30. Grants to the states for childhood obesity demonstration  
18 project, Section 4306 (42 U.S.C., Section 1320b-9a(e)(8));

19 31. Grants to the states for National Health Service Corps,  
20 Section 5207 (42 U.S.C., Section 254q(a), and Section 338H(a));

21 32. Grants to the states to offer home and community-based  
22 services as a long-term care alternative to nursing homes, Section  
23 10202 (42 U.S.C., Section 1396d);

1       33. Grants to the states for CHIP through fiscal year 2015 and  
2 other CHIP-related projects, Section 10203 (42 U.S.C., Section  
3 1396(e));

4       34. Grants to the states and others for mental and behavioral  
5 health education and training, Section 5306 (42 U.S.C., Section  
6 294e-1);

7       35. Revision to the Medicare Improvement Fund, Section 3112 (42  
8 U.S.C., Section 1395iii, and Section 1898(b)(1)(A));

9       36. Grants to the states for prevention and public health,  
10 Section 4002 (42 U.S.C., Section 300u-11);

11       37. Grants to the states from federally supported student loan  
12 funds, Section 5201 (4201 U.S.C., Section 292s);

13       38. Grants to the states for community health centers and  
14 National Health Service Corps, Section 10503 (42 U.S.C., Section  
15 254b-2);

16       39. Grants to the states for purposes of pilot projects for  
17 expanding, providing and paying for health care under Medicaid,  
18 Section 10201 (42.U.S.C., Section 1396).

19       E. Neither the state nor any political subdivision thereof,  
20 including, but not limited to, counties, municipalities,  
21 nongovernmental and nonprofit organizations or special purpose  
22 districts of the state, shall apply for or receive any grants from  
23 any federal agency, nor perform any acts or functions, for purposes  
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1 of the provisions of the Patient Protection and Affordable Care Act  
2 of 2010 set forth in subsection D of this section.

3 F. A health insurance contract purchased or established in  
4 violation of this section is void and shall not be enforced by the  
5 courts of this state.

6 SECTION 5. NEW LAW A new section of law to be codified  
7 in the Oklahoma Statutes as Section 4608 of Title 36, unless there  
8 is created a duplication in numbering, reads as follows:

9 No agency, department, or other state entity, including but not  
10 limited to the State Department of Health, may authorize an  
11 employee, contractor, vendor, or any other person acting on its  
12 behalf to conduct or participate in an involuntary maternal, infant,  
13 and early childhood in-home visitation pursuant to Section 2951 of  
14 the Patient Protection and Affordable Care Act of 2010 and any  
15 subsequent federal act that amends that section or that may refer to  
16 an entity or a process established pursuant to the Patient  
17 Protection and Affordable Care Act of 2010.

18 SECTION 6. This act shall become effective November 1, 2014.

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