

STATE OF OKLAHOMA

2nd Session of the 52nd Legislature (2010)

CONFERENCE COMMITTEE SUBSTITUTE  
FOR ENGROSSED  
SENATE JOINT  
RESOLUTION 59

By: Newberry, Jolley, Sykes,  
Coffee, Brogdon, Branan,  
Schulz, Stanislawski, Ford,  
Brown, Aldridge, Barrington,  
Lamb, Bingman, Russell,  
Justice, Marlatt and Coates  
of the Senate

and

Thompson, Ritze, Murphey,  
Faught, Ownbey, Trebilcock,  
Tibbs, Sears, McDaniel  
(Randy), Derby, McCullough,  
Osborn, Martin (Steve),  
Wright (John), Wesselhoft,  
Sanders, Kern, Key, (Moore)  
and (Reynolds) of the House

CONFERENCE COMMITTEE SUBSTITUTE

A Joint Resolution directing the Secretary of State  
to refer to the people for their approval or  
rejection a proposed amendment to the Oklahoma  
Constitution by adding a new section to Article II to  
be designated as Section 37; defining terms;  
prohibiting laws or rules that compel entities to  
participate in any health care system; permitting  
persons and employers to pay directly for health care  
services; permitting health care providers to accept  
direct payment for health care services; making it  
illegal to prohibit the purchase or sale of health  
insurance in private health care systems; clarifying  
scope of language; providing ballot title; and  
directing filing.

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

3 SECTION 1. The Secretary of State shall refer to the people for  
4 their approval or rejection, as and in the manner provided by law,  
5 the following proposed amendment to Article II of the Oklahoma  
6 Constitution by adding a new Section 37 to read as follows:

7 Section 37. A. For purposes of this section:

8 1. "Compel" shall include penalties or 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 service 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 or  
23 fine, tax, salary or wage withholding or surcharge or any named fee  
24 with a similar effect established by law or rule by a government-

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

3 B. To preserve the freedom of Oklahomans to provide for their  
4 health care:

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

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

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

19 D. This section shall not:

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

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

23 3. Prohibit care related to workers' compensation;

24 4. Affect laws or rules in effect as of January 1, 2010; or

5. 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.

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

## BALLOT TITLE

Legislative Referendum No. \_\_\_\_\_ State Question No. \_\_\_\_\_

THE GIST OF THE PROPOSITION IS AS FOLLOWS:

This measure adds a new section of law to the State Constitution. It adds Section 37 to Article 2. It prohibits making a person use a health care system. It prohibits making an employer use a health care system. It prohibits making a health care provider provide treatment in a health care system. It allows a person to pay for treatment directly. It allows an employer to pay for treatment directly. It allows a health care provider to accept payment for treatment directly. It allows the purchase of health insurance in private health care systems. It allows the sale of health insurance in private health care systems.

SHALL THE PROPOSAL BE APPROVED?

FOR THE PROPOSAL — YES

AGAINST THE PROPOSAL – NO

SECTION 3. The President Pro Tempore of the Senate shall, immediately after the passage of this resolution, prepare and file one copy thereof, including the Ballot Title set forth in SECTION 2 hereof, with the Secretary of State and one copy with the Attorney General.

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