

1 ENGROSSED SENATE  
JOINT  
2 RESOLUTION NO. 59

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

6 and

7 Thompson of the House  
8  
9

10 [ Oklahoma Constitution - new section - health care

11 system - ballot title -

12 directing filing ]  
13

14 BE IT RESOLVED BY THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE  
15 2ND SESSION OF THE 52ND OKLAHOMA LEGISLATURE:

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

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

21 1. "Compel" shall include penalties or fines;

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

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

6        4. "Lawful health care services" means any health-related  
7 service or treatment to the extent that the service or treatment is  
8 permitted or not prohibited by law or regulation that may be  
9 provided by persons or businesses otherwise permitted to offer such  
10 services; and

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

16       B. To preserve the freedom of Oklahomans to provide for their  
17 health care:

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

21       2. A person or employer may pay directly for lawful health care  
22 services and shall not be required to pay penalties or fines for  
23 paying directly for lawful health care services. A health care  
24 provider may accept direct payment for lawful health care services

1 and shall not be required to pay penalties or fines for accepting  
2 direct payment from a person or employer for lawful health care  
3 services.

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

8 D. This section shall not:

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

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

12 3. Prohibit care related to workers' compensation;

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

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

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

23 BALLLOT TITLE

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

1 THE GIST OF THE PROPOSITION IS AS FOLLOWS:

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

13 SHALL THE PROPOSAL BE APPROVED?

14 FOR THE PROPOSAL — YES \_\_\_\_\_

15 AGAINST THE PROPOSAL — NO \_\_\_\_\_

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

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1 Passed the Senate the 24th day of February, 2010.

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3 \_\_\_\_\_  
4 Presiding Officer of the Senate

5 Passed the House of Representatives the \_\_\_\_ day of \_\_\_\_\_,  
6 2010.

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8 \_\_\_\_\_  
9 Presiding Officer of the House  
10 of Representatives  
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