

By: Senator(s) Nunnelee, Burton

To: Constitution

SENATE CONCURRENT RESOLUTION NO. 562

1 A CONCURRENT RESOLUTION PROPOSING AN AMENDMENT TO THE
 2 MISSISSIPPI CONSTITUTION OF 1890 TO PROHIBIT LAWS OR RULES FROM
 3 COMPELLING ANY PERSON, EMPLOYER OR HEALTH CARE PROVIDER TO
 4 PARTICIPATE IN ANY HEALTH CARE SYSTEM; TO PERMIT A PERSON OR
 5 EMPLOYER TO PAY DIRECTLY FOR LAWFUL HEALTH CARE SERVICES AND TO
 6 PERMIT A HEALTH CARE PROVIDER TO ACCEPT DIRECT PAYMENT FROM A
 7 PERSON OR EMPLOYER FOR LAWFUL HEALTH CARE SERVICES; TO PROVIDE
 8 THAT THE PURCHASE OR SALE OF HEALTH INSURANCE SHALL NOT BE
 9 PROHIBITED BY LAW OR RULE.

10 BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF
 11 MISSISSIPPI, That the following amendment to the Mississippi
 12 Constitution of 1890 is proposed to the qualified electors of the
 13 state:

14 AMEND the Mississippi Constitution of 1890 by creating a new
 15 section to read as follows:

16 Section ____ . (1) To preserve the freedom of Mississippians
 17 to provide for their health care:

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

21 (b) A person or employer may pay directly for lawful
 22 health care services and shall not be required to pay penalties or
 23 fines for paying directly for lawful health care services. A
 24 health care provider may accept direct payment for lawful health
 25 care services and shall not be required to pay penalties or fines
 26 for accepting direct payment from a person or employer for lawful
 27 health care services.

28 (2) Subject to reasonable and necessary rules that do not
 29 substantially limit a person's options, the purchase or sale of
 30 health insurance in private health care systems shall not be



31 prohibited by law or rule.

32 (3) This section does not:

33 (a) Affect which health care services a health care
34 provider or hospital is required to perform or provide.

35 (b) Affect which health care services are permitted by
36 law.

37 (c) Prohibit care provided pursuant to any law of this
38 state relating to workers compensation.

39 (d) Affect laws or rules in effect as of January 1,
40 2010.

41 (e) Affect the terms or conditions of any health care
42 system to the extent that those terms and conditions do not have
43 the effect of punishing a person or employer for paying directly
44 for lawful health care services or a health care provider or
45 hospital for accepting direct payment from a person or employer
46 for lawful health care services.

47 (4) For the purposes of this section:

48 (a) "Compel" includes penalties or fines.

49 (b) "Direct payment or pay directly" means payment for
50 lawful health care services without a public or private third
51 party, not including an employer, paying for any portion of the
52 service.

53 (c) "Health care system" means any public or private
54 entity whose function or purpose is the management of, processing
55 of, enrollment of individuals for or payment for, in full or in
56 part, health care services or health care data or health care
57 information for its participants.

58 (d) "Lawful health care services" means any
59 health-related service or treatment, to the extent that the
60 service or treatment is permitted or not prohibited by law or
61 rule, that may be provided by persons or businesses otherwise
62 permitted to offer such services.



63 (e) "Penalties or fines" means any civil or criminal
64 penalty or fine, tax, salary or wage withholding or surcharge or
65 any named fee with a similar effect established by law or rule by
66 a government established, created or controlled agency that is
67 used to punish or discourage the exercise of rights protected
68 under this section.

69 BE IT FURTHER RESOLVED, That this proposed amendment shall be
70 submitted by the Secretary of State to the qualified electors at
71 an election to be held on the first Tuesday after the first Monday
72 of November 2010, as provided by Section 273 of the Constitution
73 and by general law.

74 BE IT FURTHER RESOLVED, That the explanation of this proposed
75 amendment for the ballot shall read as follows: "This proposed
76 constitutional amendment prohibits laws or rules from compelling
77 any person, employer or health care provider to participate in any
78 health care system; permits a person or employer to pay directly
79 for lawful health care services; permits a health care provider to
80 accept direct payment from a person or employer for lawful health
81 care services and provides that the purchase or sale of health
82 insurance shall not be prohibited by law or rule."

