

By: Representative Henley

To: Insurance; Public Health
and Human Services

HOUSE BILL NO. 403

1 AN ACT TO PROVIDE THAT EVERY PERSON IN THIS STATE HAS THE
2 RIGHT TO PAY DIRECTLY FOR HEALTH CARE SERVICES AND PURCHASE
3 INSURANCE FROM THE PROVIDER OF THEIR CHOICE; TO PROVIDE THAT NO
4 PUBLIC OFFICIAL SHALL IMPOSE ANY PENALTY OR TAX IN DEROGATION OF
5 THE RIGHT SET FORTH UNDER THIS ACT; TO PROVIDE EXEMPTIONS; AND FOR
6 RELATED PURPOSES.

7 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

8 **SECTION 1.** (1) This shall be known and may be cited as the
9 "Health Care Freedom of Choice Act."

10 (2) To preserve the freedom of Mississippians to provide for
11 their health care and to insure the preservation of a free market
12 for health care in Mississippi, it is the public policy of this
13 state that every person within Mississippi is and shall be free to
14 pay directly for lawful health care services and shall not be
15 required to pay penalties, taxes, fees, or fines for paying
16 directly for lawful health care services. A health care provider
17 may accept direct payment for lawful health care services and
18 shall not be required to pay penalties, taxes, fees or fines for
19 accepting direct payment from a person or employer for lawful
20 health care services. The government may not interfere with a



21 person's right to purchase health insurance from the provider of
22 their choice. The government may not enact a law that would
23 restrict these rights or that would impose a penalty, tax, fee,
24 fine, or any form of punishment for exercising this right. Any
25 law to the contrary shall be void ab initio. Subject to
26 reasonable and necessary rules that do not substantially limit the
27 rights recognized in this section or the power to contract related
28 to the provision of lawful health care services, the sale of
29 health insurance shall not be prohibited by any law or rule.

30 (3) No public official, employee, or agent of this state, or
31 any of its political subdivisions, shall act to impose, collect,
32 enforce, or effectuate any penalty, tax, fee, fine, or any form of
33 punishment in derogation of the rights set forth in this section.

34 (4) The Attorney General shall take such action as is
35 provided in Sections 7-5-1 and 7-5-37, Mississippi Code of 1972,
36 in the defense or prosecution of rights protected under this
37 section.

38 (5) This section does not:

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

41 (b) Affect which health care services are permitted by
42 law.

43 (c) Affect any law of this state related to workers
44 compensation.



45 (d) Affect the terms or conditions of any health care
46 system to the extent that those terms and conditions do not have
47 the effect of compelling a person to participate in a health plan
48 or punishing a person or employer for paying directly for lawful
49 health care services or a health care provider or hospital for
50 accepting direct payment from a person or employer for lawful
51 health care services.

52 (6) For the purposes of this section:

53 (a) "Compel" includes the imposition of any type of
54 penalty, tax, fee or fine.

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

59 (c) "Health care system" means any public or private
60 entity whose function or purpose is the management of, processing
61 of, or enrollment of individuals for, or payment for, in full or
62 part, health care services, health care insurance, health care
63 data, or health care information for its participants.

64 (d) "Lawful health care services" means any service,
65 treatment, or provision of products for the care of physical or
66 mental disease, illness, injury, defect or condition, or to
67 otherwise maintain or improve physical or mental health, subject
68 to all laws and rules regulating health service providers and
69 products within this state.



70 (e) "Penalty," "tax," "fee" or "fine" means any civil
71 or criminal penalty or tax, fee, fine, salary or wage withholding
72 or surcharge or any other imposed consequence established by a law
73 or rule of a government or agency used to punish or discourage the
74 exercise of rights protected under this statute.

75 **SECTION 2.** This act shall take effect and be in force from
76 and after its passage.

