

By: Senator(s) Watson

To: Insurance

SENATE BILL NO. 2301

1 AN ACT TO PROVIDE THAT NO PERSON, EMPLOYER OR HEALTH CARE
 2 PROVIDER SHALL BE REQUIRED TO PARTICIPATE IN ANY HEALTH CARE
 3 SERVICES PAYMENT SYSTEM; TO PERMIT A PERSON OR EMPLOYER TO PAY
 4 DIRECTLY FOR LAWFUL HEALTH CARE SERVICES AND TO PERMIT A HEALTH
 5 CARE PROVIDER TO ACCEPT DIRECT PAYMENT FROM A PERSON OR EMPLOYER
 6 FOR LAWFUL HEALTH CARE SERVICES; TO PROVIDE THAT THE PURCHASE OR
 7 SALE OF HEALTH INSURANCE SHALL NOT BE PROHIBITED BY LAW OR RULE;
 8 AND FOR RELATED PURPOSES.

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

10 **SECTION 1.** (1) To preserve the freedom of Mississippians to
 11 provide for their health care:

12 (a) No person, employer or health care provider shall
 13 be required, directly or indirectly, to participate in any health
 14 care system.

15 (b) A person or employer may pay directly for lawful
 16 health care services and shall not be required to pay penalties or
 17 fines for paying directly for lawful health care services. A
 18 health care provider may accept direct payment for lawful health
 19 care services and shall not be required to pay penalties or fines
 20 for accepting direct payment from a person or employer for lawful
 21 health care services.



22 (2) Subject to reasonable and necessary rules that do not
23 substantially limit a person's options, the purchase or sale of
24 health insurance in private health care systems shall not be
25 prohibited by law or rule.

26 (3) This section does not:

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

29 (b) Affect which health care services are permitted by
30 law.

31 (c) Prohibit health care provided pursuant to any law
32 of this state relating to workers' compensation.

33 (d) Affect state laws or rules in effect as of July 1,
34 2017.

35 (e) Affect the terms or conditions of any health care
36 system to the extent that those terms and conditions do not have
37 the effect of punishing a person or employer for paying directly
38 for lawful health care services or a health care provider or
39 hospital for accepting direct payment from a person or employer
40 for lawful health care services.

41 (4) For the purposes of this section:

42 (a) "Require" includes imposition of penalties or
43 fines.

44 (b) "Direct payment or pay directly" means payment for
45 lawful health care services without a public or private third



46 party, not including an employer, paying for any portion of the
47 service.

48 (c) "Health care system" means any public or private
49 entity whose function or purpose is the management of, processing
50 of, enrollment of individuals for or payment for, in full or in
51 part, health care services or health care data or health care
52 information for its participants.

53 (d) "Lawful health care services" means any
54 health-related service or treatment, to the extent that the
55 service or treatment is permitted or not prohibited by law or
56 rule, that may be provided by persons or businesses otherwise
57 permitted to offer such services.

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

64 **SECTION 2.** This act shall take effect and be in force from
65 and after July 1, 2017.

