

By: Representative Ishee

To: Public Health and Human Services

HOUSE BILL NO. 354

1 AN ACT TO PROHIBIT THE INCLUSION OF NONCOMPETITION PROVISIONS
2 IN CERTAIN CONTRACTS BETWEEN HEALTH CARE PROVIDERS AND OTHER
3 PERSONS OR ENTITIES; AND FOR RELATED PURPOSES.

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

5 **SECTION 1.** (1) As used in this section, the following terms
6 shall have the following meanings:

7 (a) "Health care provider" means an individual or
8 entity that provides health care services in the ordinary course
9 of the practice of a profession.

10 (b) "Noncompetition provision" means a provision in a
11 contract or other agreement that has the effect of prohibiting or
12 restricting a party to the contract or agreement from being
13 employed by or being an independent contractor for another person
14 or entity that is engaged in the same type of business or provides
15 the same type of services as the other party to the contract or
16 agreement.

17 (2) A contract or other agreement entered into or renewed on
18 or after July 1, 2005, between a person or entity and a health
19 care provider that is a resident of Mississippi, for the health
20 care provider to provide health care services to or on behalf of
21 the person or entity as an employee or as an independent
22 contractor, shall not contain a noncompetition provision. A
23 noncompetition provision in a contract or other agreement in
24 violation of the provisions of this section shall be void and
25 unenforceable.

26 **SECTION 2.** This act shall take effect and be in force from
27 and after July 1, 2005.