**South Carolina General Assembly**

119th Session, 2011-2012

**S. 195**

**STATUS INFORMATION**

Joint Resolution

Sponsors: Senators Rose, Campsen and Verdin

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Companion/Similar bill(s): 244

Introduced in the Senate on January 11, 2011

Currently residing in the Senate Committee on **Judiciary**

Summary: Constitutional amendment proposed

**HISTORY OF LEGISLATIVE ACTIONS**

Date Body Action Description with journal page number

12/1/2010 Senate Prefiled

12/1/2010 Senate Referred to Committee on **Judiciary**

1/11/2011 Senate Introduced and read first time ([Senate Journal‑page 91](file:///h:\sj%20archive\2011\01-11-11.docx))

1/11/2011 Senate Referred to Committee on **Judiciary** ([Senate Journal‑page 91](file:///h:\sj%20archive\2011\01-11-11.docx))

1/21/2011 Senate Referred to Subcommittee: L.Martin (ch), Rankin, Hutto, Bright, Davis

**VERSIONS OF THIS BILL**

[12/1/2010](file:///p:\pprever\2011-12\195_20101201.docx)

**A** **JOINT RESOLUTION**

PROPOSING AN AMENDMENT TO ARTICLE I OF THE CONSTITUTION OF SOUTH CAROLINA, 1895, RELATING TO THE DECLARATION OF RIGHTS, BY ADDING SECTION 25 TO PREEMPT ANY FEDERAL LAW OR RULE THAT RESTRICTS A PERSON’S CHOICE OF PRIVATE HEALTH CARE PROVIDERS OR THE RIGHT TO PAY FOR MEDICAL SERVICES.

Be it enacted by the General Assembly of the State of South Carolina:

SECTION 1. It is proposed that Article I of the Constitution of this State be amended by adding:

“Section 25. (A) For purposes of this section:

(1) ‘Direct purchase’ means payment for lawful health care services without a public or private third party, not including an employer, paying for any portion of the service.

(2) ‘Health care system’ means any public or private entity whose function or purpose is the provision, management, processing, enrollment of individuals for payment of, in full or in part, health care services, data, or information for its participants.

(3) ‘Penalties or fines’ means any civil or criminal penalty or fine, tax, salary or wage withholding, surcharge, or any named fee with a similar effect established by federal law or rule that is utilized to punish or discourage the exercise of rights protected under this section.

(B) No federal law or rule shall compel a person or employer, directly or indirectly, by the use of fines, penalties, or any other means, to participate in any health care system. A person or employer may pay directly for lawful health care services and shall not be required to pay penalties or fines for paying directly for lawful health care services. A health care provider may accept direct payment for lawful health care services and shall not be required to pay penalties or fines for accepting direct payment from a person or employer for lawful health care services.

(C) The terms or conditions of any health care system shall not be affected to the extent that those terms and conditions do not have the effect of punishing a person or employer for paying directly for lawful health care services or a health care provider or hospital for providing directly purchased lawful health care services.

(D) The General Assembly must provide by law reasonable and necessary regulations on the purchase and sale of health insurance in private health care systems, provided that a person’s options are not substantially limited.

(E) This section does not:

(1) affect which health care services a health care provider or hospital is required to perform or provide;

(2) affect which health care services are permitted by law;

(3) prohibit care provided pursuant to any statutes enacted by the legislature relating to worker’s compensation.”

SECTION 2. The proposed amendment in Section 1 must be submitted to the qualified electors at the next general election for representatives. Ballots must be provided at the various voting precincts with following words:

“Must Article I of the Constitution of this State, relating to the Declaration of Rights, be amended to preempt any federal law or rule that restricts a person’s choice of private health care providers or the right to pay for medical services?

Yes 

No 

Those voting in favor of the question shall deposit a ballot with a check or cross mark in the square after the word ‘Yes’, and those voting against the question shall deposit a ballot with a check or cross mark in the square after the word, ‘No’.”

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