**A** **BILL**

TO AMEND CHAPTER 1, TITLE 38 OF THE 1976 CODE, BY ADDING SECTION 38‑1‑40 TO ENACT THE “FREEDOM OF CHOICE IN HEALTH CARE ACT,” TO PROVIDE THAT CITIZENS OF THIS STATE HAVE THE RIGHT TO PURCHASE PRIVATE HEALTH INSURANCE, TO PROVIDE THAT THE GENERAL ASSEMBLY MAY NOT REQUIRE ANY PERSON TO PURCHASE HEALTH CARE INSURANCE, AND TO REQUIRE THE ATTORNEY GENERAL TO CHALLENGE THE CONSTITUTIONALITY OF ANY HEALTH CARE PLAN MANDATED BY CONGRESS.

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

SECTION 1. This act may be cited as the “Freedom of Choice in Health Care Act”.

SECTION 2. Chapter 1, Title 38 of the 1976 Code is amended by adding:

“Section 38‑1‑40. The citizens of this State have the right to enter into private contracts with health care providers for health care services and to purchase private health care coverage. The legislature may not require any person to participate in any health care system or plan, nor may it impose a penalty or fine, of any type, for choosing to obtain or decline health care coverage or for participation in any particular health care system or plan.”

SECTION 3. The Attorney General is directed to challenge the constitutionality of any provision enacted by the United States Congress that would require any citizen of this State to participate in any health care system or plan or that imposes a penalty or fine for choosing to obtain or decline health care coverage or for participation in any particular health care system or plan. No state agency, agent, department, instrumentality, or subdivision shall cooperate or participate in any way with any mandate passed by Congress upon notification by the Attorney General that the mandate must be challenged pursuant to this section, unless and until otherwise ordered to so by a court of competent jurisdiction.”

SECTION 4. This act takes effect upon approval by the Governor.

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