**South Carolina General Assembly**

119th Session, 2011-2012

**H. 4424**

**STATUS INFORMATION**

Joint Resolution

Sponsors: Reps. Viers, Atwater, Long and McCoy

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Introduced in the House on January 10, 2012

Currently residing in the House Committee on **Labor, Commerce and Industry**

Summary: Constitutional amendment proposed relating to health care

**HISTORY OF LEGISLATIVE ACTIONS**

Date Body Action Description with journal page number

11/29/2011 House Prefiled

11/29/2011 House Referred to Committee on **Labor, Commerce and Industry**

1/10/2012 House Introduced and read first time

1/10/2012 House Referred to Committee on **Labor, Commerce and Industry**

1/12/2012 House Member(s) request name added as sponsor: McCoy

**VERSIONS OF THIS BILL**

[11/29/2011](file:///p:\pprever\2011-12\4424_20111129.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 26 SO AS 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 26. (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 a public or private entity whose function or purpose is the provision, management, processing, and 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 a 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) A federal law or rule may not 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 is not 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 is not 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 a health care system is not 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 shall 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; or

(3) prohibit care provided pursuant to statutes enacted by the General Assembly relating to workers’ 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 so as to add a new section that preempts 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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