COMMITTEE REPORT

April 14, 2011

**S. 5**

Introduced by Senators Leatherman, Rose, McGill, Campsen, Fair, Rankin, Cromer and Alexander

S. Printed 4/14/11--S. [SEC 4/18/11 11:47 AM]

Read the first time January 11, 2011.

**THE COMMITTEE ON BANKING AND INSURANCE**

To whom was referred a Bill (S. 5) to amend Chapter 38, Title 1 of the 1976 code to enact the “Healthcare Freedom Act”, by adding Section 38-1-40 to provide that a citizen of, etc., respectfully

**REPORT:**

That they have duly and carefully considered the same and recommend that the same do pass:

DAVID L. THOMAS for Committee.

**STATEMENT OF ESTIMATED FISCAL IMPACT**

ESTIMATED FISCAL IMPACT ON GENERAL FUND EXPENDITURES:

Minimal (Some additional costs expected but can be absorbed)

ESTIMATED FISCAL IMPACT ON FEDERAL & OTHER FUND EXPENDITURES:

$0 (No additional expenditures or savings are expected)

**EXPLANATION OF IMPACT:**

Department of Insurance

The department estimates that this bill would generate additional phone inquiries to the Office of Consumer Services; however, any additional costs associated with the increased workload are expected to be minimal and will be absorbed by the agency using available resources.

*Approved By:*

Harry Bell

Office of State Budget

**A** **BILL**

TO AMEND CHAPTER 38, TITLE 1 OF THE 1976 CODE TO ENACT THE “HEALTHCARE FREEDOM ACT”, BY ADDING SECTION 38-1-40 TO PROVIDE THAT A CITIZEN OF THIS STATE HAS THE RIGHT TO PURCHASE HEALTH INSURANCE OR REFUSE TO PURCHASE HEALTH INSURANCE, TO PROVIDE THAT THE GOVERNMENT MAY NOT ENACT A LAW THAT WOULD INTERFERE, RESTRICT, OR PUNISH A CITIZEN FOR EXERCISING THESE RIGHTS, AND TO PROVIDE THAT ANY LAW TO THE CONTRARY SHALL BE VOID AB INITIO.

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

SECTION 1. This act may be cited as the “Healthcare Freedom Act”.

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

“Section 38-1-40. A citizen of this State has the right to purchase health insurance or refuse to purchase health insurance. The government may not interfere with a citizen’s right to purchase health insurance or with a citizen’s right to refuse to purchase health insurance. The government may not enact a law that would restrict these rights or that would impose a form of punishment for exercising either of these rights. Any law to the contrary shall be void ab initio.”

SECTION 3. This act takes effect upon approval by the Governor.

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