

Senate Resolution 99

By: Senators Hill of the 32nd, Miller of the 49th, Shafer of the 48th, McKoon of the 29th,
Gooch of the 51st and others

A RESOLUTION

1 Proposing an amendment to the Constitution so as to provide that no law or rule or regulation
2 shall compel any person, employer, or health care provider to participate in any health care
3 system and to authorize persons and employers to pay directly for lawful health care services
4 without penalties or fines; to provide a short title; to provide for the submission of this
5 amendment for ratification or rejection; and for other purposes.

6 BE IT RESOLVED BY THE GENERAL ASSEMBLY OF GEORGIA:

7 SECTION 1.

8 This resolution shall be known as and may be cited as the "Health Care Freedom of Choice
9 Constitutional Amendment."

10 SECTION 2.

11 Article I of the Constitution is amended by adding a new section to read as follows:

12 SECTION V.

13 HEALTH CARE

14 Paragraph I. Definitions. As used in this section, the term:

15 (1) 'Compel' means to require participation, including by means of imposing penalties
16 or fines.

17 (2) 'Direct payment' or 'pay directly' means payment for lawful health care services
18 without a public or private third party, not including an employer, paying for any portion
19 of the service.

20 (3) 'Health care system' means any public or private entity whose function or purpose
21 is the management of, processing of, enrollment of individuals for, or payment for, in full
22 or in part, health care services or health care data or health care information for its
23 participants.

24 (4) 'Lawful health care services' means any health related service or treatment to the
 25 extent that the service or treatment is permitted or not prohibited by law or regulation that
 26 may be provided by persons or businesses otherwise permitted to offer such services.

27 (5) 'Penalties or fines' means any civil or criminal penalty or fine, tax, salary or wage
 28 withholding or surcharge, or any named fee with a similar effect established by law or
 29 rule by a government established, created, or controlled agency that is used to punish or
 30 discourage the exercise of rights protected under this section.

31 Paragraph II. **Health care protections.** (a) To preserve the freedom of citizens of this
 32 state to provide for their own health care:

33 (1) No law or rule or regulation shall compel, directly or indirectly, any person,
 34 employer, or health care provider to participate in any health care system; and

35 (2) A person or employer may pay directly for lawful health care services and shall not
 36 be required to pay penalties or fines for paying directly for lawful health care services.
 37 A health care provider may accept direct payment for lawful health care services and
 38 shall not be required to pay penalties or fines for accepting direct payment from a person
 39 or employer for lawful health care services.

40 (b) Subject to reasonable and necessary rules and regulations that do not substantially
 41 limit a person's options, the purchase or sale of health insurance in private health care
 42 systems shall not be prohibited by law or by rule or regulation.

43 (c) This section shall not:

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

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

47 (3) Prohibit care provided pursuant to any statutes enacted by the General Assembly
 48 relating to workers' compensation;

49 (4) Prohibit the imposition by the General Assembly of conditions and limitations on
 50 the use or applicability of exemptions and deductions with regard to income taxation;

51 (5) Affect laws or rules in effect as of January 1, 2009; or

52 (6) Affect the terms or conditions of any health care system to the extent that those
 53 terms and conditions do not have the effect of punishing a person or employer for paying
 54 directly for lawful health care services or a health care provider or hospital for accepting
 55 direct payment from a person or employer for lawful health care services."

56 **SECTION 3.**

57 The above proposed amendment to the Constitution shall be published and submitted as
 58 provided in Article X, Section I, Paragraph II of the Constitution. The ballot submitting the
 59 above proposed amendment shall have written or printed thereon the following:

60 " YES Shall the Constitution of Georgia be amended so as to provide that no law
61 or rule or regulation shall compel any person, employer, or health care
62 NO provider to participate in any health care system and to authorize persons
63 and employers to pay directly for lawful health care services without
64 penalties or fines?"

65 All persons desiring to vote in favor of ratifying the proposed amendment shall vote "Yes."
66 All persons desiring to vote against ratifying the proposed amendment shall vote "No." If
67 such amendment shall be ratified as provided in said Paragraph of the Constitution, it shall
68 become a part of the Constitution of this state.