

SECOND REGULAR SESSION
HOUSE COMMITTEE SUBSTITUTE FOR

HOUSE JOINT RESOLUTION NO. 64

96TH GENERAL ASSEMBLY

4479L.02C

D. ADAM CRUMBLISS, Chief Clerk

JOINT RESOLUTION

Submitting to the qualified voters of Missouri an amendment to article I of the Constitution of Missouri, relating to prohibiting laws interfering with freedom of choice in health care.

Be it resolved by the House of Representatives, the Senate concurring therein:

That at the next general election to be held in the state of Missouri, on Tuesday next following the first Monday in November, 2012, or at a special election to be called by the governor for that purpose, there is hereby submitted to the qualified voters of this state, for adoption or rejection, the following amendment to article I of the Constitution of the state of Missouri:

Section A. Article I, Constitution of Missouri, is amended by adding thereto one new section, to be known as section 35, to read as follows:

Section 35. 1. That all persons have a fundamental, natural right to make their own choices about whether or not to obtain lawful health care services or products; no legislative, executive, or regulatory official has any legitimate authority to compel, directly or indirectly, any person, employer, or health care provider to participate in any health care system.

2. All persons have a fundamental, natural right to make and receive direct payment for lawful health care services or products according to private, voluntary agreements between the recipient and the provider; no legislative, executive, or regulatory official has any legitimate authority to prohibit citizens from choosing to make or receive direct payment for lawful health care services, or to penalize citizens, directly or indirectly, for exercising this right.

3. No legislative, executive, or regulatory official has any lawful authority to prohibit or penalize the purchase or sale of health insurance in private health care systems,

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

14 **although the general assembly may impose reasonable regulations on the health insurance**
15 **industry; the question whether a regulation of the health insurance industry is reasonable**
16 **shall be judicially determined without regard to any legislative, executive, or**
17 **administrative declaration that the regulation is reasonable.**

18 **4. This section does not:**

19 **(1) Affect which health care services a health care provider or hospital is required**
20 **to provide;**

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

22 **(3) Prohibit health care provided under workers' compensation as provided by**
23 **state law; or**

24 **(4) Withdraw the general assembly's authority to impose reasonable licensure**
25 **requirements on those persons or businesses providing health care services or products**
26 **that might negatively impact the public health or safety.**

27 **5. For the purposes of this section:**

28 **(1) "Compel" includes threatening the imposition of a penalty, fine, or special tax;**

29 **(2) "Direct payment" includes payment made by a recipient of health care services**
30 **or products to the provider of those services or products without the intervention of any**
31 **public or private third party;**

32 **(3) "Health care system" includes any public or private entity whose function or**
33 **purpose is the management, processing, or collection of health insurance claims or**
34 **premiums, or the payment of debts incurred in the provision of lawful health care services**
35 **for the system's participants;**

36 **(4) "Lawful health care services" includes any health-related service, treatment,**
37 **or product that the general assembly has not prohibited by law or regulation.**

Section B. Pursuant to chapter 116, RSMo, and other applicable constitutional provisions
2 and laws of this state allowing the general assembly to adopt ballot language for the submission
3 of a joint resolution to the voters of this state, the official ballot title of the amendment proposed
4 in section A of this resolution shall be as follows:

5 "Shall the Missouri Constitution be amended to declare that all persons have a
6 fundamental, natural right to:

7 1. Make their own choices about whether or not to obtain lawful health care services or
8 products; and

9 2. Make and receive direct payment for such services and products according to private,
10 voluntary agreements?"

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