

Stricken language would be deleted from and underlined language would be added to the law as it existed prior to this session of the General Assembly.

1 State of Arkansas  
2 88th General Assembly  
3 Regular Session, 2011  
4

# A Bill

HOUSE BILL 1053

5 By: Representatives D. Meeks, D. Altes  
6

## For An Act To Be Entitled

8 AN ACT TO ENSURE FREEDOM OF CHOICE IN HEALTH CARE FOR  
9 ALL ARKANSANS; TO PREVENT INVOLUNTARY ENROLLMENTS IN  
10 HEALTH CARE INSURANCE PROGRAMS; AND FOR OTHER  
11 PURPOSES.  
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## Subtitle

14 AN ACT TO ENSURE FREEDOM OF CHOICE IN  
15 HEALTH CARE FOR ALL ARKANSANS; AND TO  
16 PREVENT INVOLUNTARY ENROLLMENTS IN HEALTH  
17 CARE INSURANCE PROGRAMS.  
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21 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
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23 SECTION 1. Arkansas Code Title 23, Chapter 86, Subchapter 1 is amended  
24 to add an additional section to read as follows:

25 23-86-122. Health Care Freedom Act.

26 (a) This section shall be known and may be cited as the "Health Care  
27 Freedom Act".

28 (b) As used in this section:

29 (1)(A) "Direct payment" means payment for lawful health care  
30 services without a public or private third party paying for any portion of  
31 the service.

32 (B) "Direct payment" includes payments by an employer for  
33 lawful health care services for an individual;

34 (2) "Health care system" means a public or private entity that  
35 enrolls individuals for, manages or processes individual claims for, or  
36 manages or processes payment, in full or in part, for health care services or



1 health care data or health care information for its participants;

2 (3) "Lawful health care services" means any health-related  
3 service or treatment to the extent that the service or treatment is permitted  
4 or not prohibited by law or rule that may be provided by an individual or a  
5 business otherwise permitted to offer such services; and

6 (4) "Penalties or fines" means a civil or criminal penalty or  
7 fine, a tax, a salary or wage withholding or surcharge, or a fee with a  
8 similar effect that is used to punish or discourage the exercise of rights  
9 protected under this section under a law or a rule adopted by an agency  
10 established, created, or controlled by a governmental entity.

11 (c) A law or rule shall not compel, directly or indirectly, an  
12 individual, an employer, or a health care provider to participate in any  
13 health care system.

14 (d)(1) An individual or an employer may make direct payment for lawful  
15 health care services and shall not be required to pay penalties or fines for  
16 making direct payment for lawful health care services.

17 (2) A health care provider may accept direct payment for lawful  
18 health care services and shall not be required to pay penalties or fines for  
19 accepting direct payment from an individual or an employer for lawful health  
20 care services.

21 (e) Subject to reasonable and necessary rules that do not  
22 substantially limit an individual's options, the purchase or sale of health  
23 insurance in private health care systems shall not be prohibited by law or  
24 rule.

25 (f) This section does not affect:

26 (1) The health care services a health care provider or hospital  
27 is required to perform or provide;

28 (2) Which health care services are permitted by law; or

29 (3) The terms or conditions of any health care system to the  
30 extent that those terms and conditions do not have the effect of punishing an  
31 individual or an employer for making direct payment for lawful health care  
32 services or a health care provider or hospital for accepting direct payment  
33 from an individual or an employer for lawful health care services.

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