

House Bill 2801

Sponsored by Representative THATCHER (Pre-session filed.)

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**.

Establishes right of persons to be free from compulsion to participate in health care system.
Prohibits penalty or fine for making or accepting direct payment for lawful health care service.
Declares emergency, effective on passage.

A BILL FOR AN ACT

1
2 Relating to health care; and declaring an emergency.

3 **Be It Enacted by the People of the State of Oregon:**

4 **SECTION 1. (1) Notwithstanding any other provision of law, a person may not be com-**
5 **pelled, directly or indirectly, to participate in any health care system.**

6 **(2)(a) An individual or an employer may make a direct payment for a lawful health care**
7 **service and may not be required to pay a penalty or fine for making a direct payment for a**
8 **lawful health care service.**

9 **(b) A health care provider may accept a direct payment for a lawful health care service**
10 **rendered by the provider and may not be required to pay a penalty or fine for accepting a**
11 **direct payment for a lawful health care service rendered by the provider.**

12 **(3) Subject to reasonable and necessary rules adopted by the Department of Consumer**
13 **and Business Services that do not substantially limit a person's rights under subsection (1)**
14 **or (2) of this section, the purchase or sale of health insurance in private health care systems**
15 **shall not be prohibited by law or rule.**

16 **(4) This section does not:**

17 **(a) Affect which health care services a health care provider is required to perform or**
18 **provide;**

19 **(b) Affect which health care services are permitted by law;**

20 **(c) Prohibit care provided as workers' compensation under ORS chapter 656;**

21 **(d) Affect laws or rules in effect on January 1, 2010; or**

22 **(e) Affect the terms and conditions imposed by any health care system to the extent that**
23 **the terms and conditions do not have the effect of punishing an individual or employer for**
24 **making a direct payment for lawful health care services or have the effect of punishing a**
25 **health care provider for accepting a direct payment for lawful health care services rendered**
26 **by the provider.**

27 **(5) As used in this section:**

28 **(a) "Compelled" means forced to act through the use of a penalty or fine.**

29 **(b) "Direct payment" means a payment in full for a health care service without any**
30 **contribution by a public or private third party other than an employer.**

31 **(c) "Health care system" means a public or private entity that manages or processes**

NOTE: Matter in **boldfaced** type in an amended section is new; matter *[italic and bracketed]* is existing law to be omitted.
New sections are in **boldfaced** type.

1 payments, in whole or in part, for health care services, health care data or health care in-
2 formation for participants or that enrolls participants into the system.

3 (d) "Lawful health care service" means any health-related service or treatment that is
4 permitted or not prohibited by law and that is provided by a person authorized by law to offer
5 the service.

6 (e) "Penalty or fine" means any civil or criminal penalty or fine, tax, salary or wage
7 withholding, surcharge or any fee with a similar effect that is established by law by a public
8 body and that is used to punish or discourage the exercise of rights protected under this
9 section.

10 SECTION 2. This 2011 Act being necessary for the immediate preservation of the public
11 peace, health and safety, an emergency is declared to exist, and this 2011 Act takes effect
12 on its passage.
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