

HOUSE BILL No. 4050

January 13, 2011, Introduced by Reps. McMillin, Rendon, Somerville, Scott, Cotter, Shirkey, Opsommer, Hooker, Yonker, Knollenberg, Franz and LaFontaine and referred to the Committee on Health Policy.

A bill to provide that no person be required to obtain or maintain health insurance coverage.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 1. This act shall be known and may be cited as the
2 "Michigan health care freedom act".

3 Sec. 3. (1) Every person has a right to provide for his or her
4 own health care.

5 (2) No government action shall compel, directly or indirectly,
6 any person, employer, or health care provider to participate in any
7 health care system.

8 (3) No person or employer shall be required to pay penalties
9 or fines for paying directly for lawful health care services. A
10 health care provider shall not be required to pay penalties or

1 fines for accepting direct payment from a person or employer for
2 lawful health care services. A health care system shall not be
3 required to pay penalties or fines for permitting a person or
4 employer to pay directly for lawful health care services or for
5 permitting a health care provider to accept direct payment from a
6 person or employer for lawful health care services.

7 (4) No government action shall disadvantage a health care
8 system for permitting a person or employer to pay directly for
9 lawful health care services or for permitting a health care
10 provider to accept direct payment from a person or employer for
11 lawful health care services.

12 (5) Subject to reasonable and necessary laws and rules that do
13 not substantially limit a person's or employer's options, the
14 purchase or sale of health insurance or health coverage in private
15 health care systems shall not be prohibited by any government
16 action.

17 Sec. 5. This act does not do any of the following:

18 (a) Affect which health care services a health care provider
19 is required to perform or provide.

20 (b) Affect which health care services are permitted by law.

21 (c) Prohibit care provided pursuant to, or prohibit
22 participation under, workers' compensation law or automobile no-
23 fault law.

24 (d) Affect government actions in effect as of January 1, 2010.

25 Sec. 7. As used in this act:

26 (a) "Automobile no-fault law" means automobile insurance
27 coverage regulated under the insurance code of 1956, 1956 PA 218,

1 MCL 500.100 to 500.8302.

2 (b) "Compel" includes penalties or fines.

3 (c) "Direct payment" and "pay directly" mean payment for
4 lawful health care services without a public or private third
5 party, not including an employer, paying for any portion of the
6 service.

7 (d) "Government action" means any executive, judicial, or
8 quasi-judicial act, intergovernmental compact, statute, ordinance,
9 resolution, or rule made by any government-established, government-
10 created, or government-controlled agency.

11 (e) "Health care system" means any public or private entity
12 whose function or purpose is the management of, processing of,
13 enrollment of individuals for, or payment for, in full or part,
14 health care services, health care data, or health care information
15 for its participants.

16 (f) "Lawful health care services" means any health-related
17 service or treatment, to the extent that the service or treatment
18 is permitted or not prohibited by law, rule, or regulation, that
19 may be provided by persons or businesses otherwise permitted to
20 offer those services or treatments.

21 (g) "Penalties or fines" means any criminal or civil penalty,
22 fine, tax, salary or wage withholding, surcharge, or any named fee
23 with a similar effect established by government action, that is
24 used to punish or discourage the exercise of rights protected under
25 this act.

26 (h) "Workers' compensation law" means the worker's
27 compensation coverage regulated under the worker's disability

1 compensation act of 1969, 1969 PA 317, MCL 418.101 to 418.941.