**South Carolina General Assembly**

118th Session, 2009-2010

**H. 4767**

**STATUS INFORMATION**

General Bill

Sponsors: Reps. Bedingfield, Rice, Stringer, Wylie, Erickson, Hardwick, J.R. Smith, Sottile, Huggins, Allison, Forrester, Parker, Clemmons, Barfield, Cole, Daning, Duncan, Kelly, Littlejohn, White, Sandifer, Cato, Bingham, T.R. Young, Stewart, Pinson, Owens, Toole, Brady, Long, Umphlett, M.A. Pitts, Chalk, Hiott, Millwood, V.S. Moss, Bowen, Whitmire, D.C. Moss, Horne, A.D. Young, Merrill, Crawford, Limehouse, Viers, Hearn, Spires, G.M. Smith, Norman, Bannister, Nanney, Loftis, G.R. Smith and Hamilton

Document Path: l:\council\bills\nbd\12067ac10.docx

Companion/Similar bill(s): 987

Introduced in the House on March 23, 2010

Currently residing in the House Committee on **Labor, Commerce and Industry**

Summary: Freedom of Choice in Health Care Act

**HISTORY OF LEGISLATIVE ACTIONS**

Date Body Action Description with journal page number

3/23/2010 House Introduced and read first time [HJ](file:///h:\HJ%20Archive\2010\03-23-10.docx)‑34

3/23/2010 House Referred to Committee on **Labor, Commerce and Industry** [HJ](file:///h:\HJ%20Archive\2010\03-23-10.docx)‑35

3/24/2010 House Member(s) request name added as sponsor: Sandifer, Cato, Bingham, T.R.Young, Stewart, Pinson, Owens, Toole, Brady, Long, Umphlett, M.A.Pitts, Chalk, Hiott, Millwood, V.S.Moss, Bowen, Whitmire, D.C.Moss, Horne, A.D.Young, Merrill, Crawford, Limehouse, Viers, Hearn, Spires, G.M.Smith, Norman, Bannister, Nanney, Loftis, G.R.Smith, Hamilton

**VERSIONS OF THIS BILL**

[3/23/2010](file:///p:\pprever\2009-10\4767_20100323.docx)

**A** **BILL**

TO ENACT THE “FREEDOM OF CHOICE IN HEALTH CARE ACT”, TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 38-1-40 SO AS TO PROVIDE THAT CITIZENS OF THIS STATE HAVE THE RIGHT TO PURCHASE PRIVATE HEALTH INSURANCE, TO PROVIDE THAT THE GENERAL ASSEMBLY MAY NOT REQUIRE ANY PERSON TO PURCHASE HEALTH CARE INSURANCE, AND TO REQUIRE THE ATTORNEY GENERAL TO CHALLENGE THE CONSTITUTIONALITY OF ANY HEALTH CARE PLAN MANDATED BY CONGRESS.

Be it enacted by the General Assembly of the State of South Carolina:

SECTION 1. This act may be cited as the “Freedom of Choice in Health Care Act”.

SECTION 2. Chapter 1, Title 38 of the 1976 Code is amended by adding:

“Section 38‑1‑40. The citizens of this State have the right to enter into private contracts with health care providers for health care services and to purchase private health care coverage. The General Assembly may not require a person to participate in any health care system or plan and may not impose a penalty or fine, of any type, for choosing to obtain or decline health care coverage or for participation in any particular health care system or plan.”

SECTION 3. The Attorney General is directed to challenge the constitutionality of any provision enacted by the United States Congress that would require a citizen of this State to participate in any health care system or plan or that imposes a penalty or fine for choosing to obtain or decline health care coverage or for participation in any particular health care system or plan. No state agency, agent, department, instrumentality, or subdivision may cooperate or participate in any way with any mandate passed by Congress upon notification by the Attorney General that the mandate must be challenged pursuant to this section, unless and until otherwise ordered to so by a court of competent jurisdiction.

SECTION 4. This act takes effect upon approval by the Governor.

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