

# HOUSE BILL 15

C3

11r0585

(PRE-FILED)

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By: **Delegate Smigiel**

Requested: November 17, 2010

Introduced and read first time: January 12, 2011

Assigned to: Health and Government Operations

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## A BILL ENTITLED

1 AN ACT concerning

2 **Health Insurance – Participation in Health Insurance Systems and Plans –**  
3 **Freedom of Choice**

4 FOR the purpose of establishing that, notwithstanding certain provisions of law, a  
5 person has the right to choose to participate in a private health insurance  
6 system or a private health insurance plan; establishing that, notwithstanding  
7 certain provisions of law and subject to a certain exception, a person has the  
8 right to pay for lawful medical services without interference, and a penalty, tax,  
9 fee, or fine of any type may not be imposed on a person that declines to contract  
10 for health insurance coverage or to participate in a particular health insurance  
11 system or plan; providing for the construction of this Act; and generally relating  
12 to participation in private health insurance systems and plans.

13 BY adding to

14 Article – Insurance

15 Section 15–138

16 Annotated Code of Maryland

17 (2006 Replacement Volume and 2010 Supplement)

18 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF  
19 MARYLAND, That the Laws of Maryland read as follows:

20 **Article – Insurance**

21 **15–138.**

22 **(A) NOTWITHSTANDING ANY OTHER PROVISION OF THIS ARTICLE, A**  
23 **PERSON HAS THE RIGHT TO CHOOSE TO PARTICIPATE IN A PRIVATE HEALTH**  
24 **INSURANCE SYSTEM OR A PRIVATE HEALTH INSURANCE PLAN.**

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1           **(B) NOTWITHSTANDING ANY OTHER PROVISION OF THIS ARTICLE, AND**  
2 **EXCEPT AS REQUIRED BY A COURT FOR A NAMED PARTY IN A LEGAL DISPUTE, A**  
3 **PERSON HAS THE RIGHT TO PAY FOR LAWFUL MEDICAL SERVICES WITHOUT**  
4 **INTERFERENCE, AND A PENALTY, TAX, FEE, OR FINE OF ANY TYPE MAY NOT BE**  
5 **IMPOSED ON A PERSON THAT DECLINES TO CONTRACT FOR HEALTH INSURANCE**  
6 **COVERAGE OR TO PARTICIPATE IN A PARTICULAR HEALTH INSURANCE SYSTEM**  
7 **OR PLAN.**

8           **(C) THIS SECTION MAY NOT BE CONSTRUED TO EXPAND, LIMIT, OR**  
9 **OTHERWISE MODIFY A LEGAL DETERMINATION OF WHAT CONSTITUTES LAWFUL**  
10 **MEDICAL SERVICES IN THE STATE.**

11           SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
12 October 1, 2011.