

**AMENDMENT**

**OFFERED BY Ms. LUMMIS OF WYOMING**

[H.R. 3962]

Add at the end of division A the following:

1           **TITLE VI—STATE OPTIONS**

2   **SEC. 601. STATE OPTION TO OPT-OUT OF NEW FEDERAL**  
3                   **PROGRAMS AND REQUIREMENTS.**

4           (a) **IN GENERAL.**—In accordance with this section,  
5 a State may elect for the provisions of this Act to not  
6 apply within such State to the extent that such provisions  
7 violate the protections described in subsection (b).

8           (b) **EFFECT OF OPT-OUT.**—In the case of a State  
9 that makes an election under subsection (a)—

10           (1) the residents of such State shall not be sub-  
11 ject to any requirement under this Act, including tax  
12 provisions or penalties, that would otherwise require  
13 such residents to purchase health insurance;

14           (2) the employers located in such State shall  
15 not be subject to any requirement under this Act, in-  
16 cluding tax provisions or penalties, that would other-  
17 wise require such employers to provide health insur-  
18 ance to their employees or make contributions relat-  
19 ing to health insurance;

1           (3) the residents of such State shall not be pro-  
2           hibited under this Act from receiving health care  
3           services from any provider of health care services  
4           under terms and conditions subject to the laws of  
5           such State and mutually acceptable to the patient  
6           and the provider;

7           (4) the residents of such State shall not be pro-  
8           hibited under this Act from entering into a contract  
9           subject to the laws of such State with any group  
10          health plan, health insurance issuer, or other busi-  
11          ness, for the provision of, or payment to other par-  
12          ties for, health care services;

13          (5) the eligibility of residents of such State for  
14          any program operated by or funded wholly or partly  
15          by the Federal Government shall not be adversely  
16          affected as a result of having received services in a  
17          manner consistent with paragraphs (3) and (4); and

18          (6) the health care providers within such State  
19          shall not be denied participation in or payment from  
20          a Federal program for which they would otherwise  
21          be eligible as a result of having provided services in  
22          a manner consistent with paragraphs (3) and (4).

23          (c) PROCESS.—

24                (1) IN GENERAL.—A State shall be treated as  
25          making an election under subsection (a) if the Gov-

1       error of such State provides timely and appropriate  
2       notice to the Secretary of Health and Human Serv-  
3       ices notifying the Secretary that the State is making  
4       such election. Such notice shall be provided at least  
5       180 days before the election is to become effective.

6           (2) REVOCATION OF ELECTION.—A State shall  
7       be treated as revoking an election made by the State  
8       under subsection (a) if the Governor of such State  
9       provides timely and appropriate notice to the Sec-  
10      retary of Health and Human Services of such rev-  
11      ocation. Such notice of revocation shall be provided  
12      at least 180 days before the date the revocation is  
13      to become effective. As of such effective date the  
14      State and the residents, employers, and health insur-  
15      ance issuers of such State, shall be treated as if the  
16      election under subsection (a) had not been made.

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