

HOUSE BILL NO. 423

IN THE LEGISLATURE OF THE STATE OF ALASKA
TWENTY-SIXTH LEGISLATURE - SECOND SESSION

BY THE HOUSE JUDICIARY COMMITTEE

Introduced: 3/31/10

Referred: Health and Social Services, Judiciary

A BILL

FOR AN ACT ENTITLED

1 **"An Act stating a public policy that allows a person to choose or decline any mode of**
2 **securing health care services, and providing for enforcement of that policy by the**
3 **attorney general."**

4 **BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:**

5 * **Section 1.** The uncodified law of the State of Alaska is amended by adding a new section
6 to read:

7 **SHORT TITLE.** This Act may be known as the Alaska Health Freedom Act.

8 * **Sec. 2.** AS 44.23.020 is amended by adding a new subsection to read:

9 (h) The attorney general shall take appropriate action to defend the policy
10 stated in AS 44.99.130.

11 * **Sec. 3.** AS 44.99 is amended by adding a new section to article 2 to read:

12 **Sec. 44.99.130. Declaration of policy for securing health care services.** (a) It
13 is the policy of the State of Alaska, consistent with the right of liberty, that a person
14 has the right and is free to choose or decline any mode of securing health care

1 services.

2 (b) The policy stated in (a) of this section may not impair a contract right that
3 provides health care services.

4 (c) A public official, employee, or agent of the state or its political
5 subdivisions may not impose, collect, enforce, or implement a penalty contrary to the
6 policy stated in (a) of this section.

7 (d) The attorney general shall expeditiously seek injunctive and other
8 appropriate relief to preserve the rights of the residents of the state and defend the state
9 and its officials, employees, and agents if a law is enacted or a regulation adopted
10 violating the declaration of the policy for securing health care services under this
11 section.

12 (e) In this section,

13 (1) "health care services" means a service or treatment, or provision of
14 a product, for the care of a physical or mental disease, illness, injury, defect, or
15 condition, or to maintain or improve physical or mental health;

16 (2) "mode of securing" means directly purchasing health care services
17 from a health care provider, purchasing insurance covering health care services,
18 participating in an employer or government sponsored health benefit plan, or other
19 means of obtaining health care services;

20 (3) "penalty" means a fine, tax, salary or wage withholding, surcharge,
21 fee, or other consequence.