

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2011

H

1

HOUSE BILL 2

Short Title: Protect Health Care Freedom. (Public)

Sponsors: Representatives Stam, Barnhart, Hollo, and Murry (Primary Sponsors).  
For a complete list of Sponsors, see Bill Information on the NCGA Web Site.

Referred to: Judiciary, if favorable, Finance.

January 27, 2011

1 A BILL TO BE ENTITLED  
2 AN ACT TO PROTECT THE FREEDOM TO CHOOSE HEALTH CARE AND HEALTH  
3 INSURANCE.

4 The General Assembly of North Carolina enacts:

5 **SECTION 1.** Chapter 58 of the General Statutes is amended by adding a new  
6 Article to read:

7 "Article 49A.

8 "North Carolina Health Care Protection Act.

9 **"§ 58-49A-1. Constraints on health care freedom prohibited.**

10 (a) A law or rule shall not do any of the following:

- 11 (1) Compel a person to (i) provide for health care services or medical treatment  
12 for that person or (ii) contract with, or enroll in, a public or private health  
13 care system or health insurance plan.  
14 (2) Interfere with a person's right to pay directly for lawful health care services  
15 or medical treatment to preserve or enhance that person's life or health.  
16 (3) Impose a penalty, tax, fee, or fine on a person for (i) providing for, or failing  
17 to provide for, health care services or medical treatment for that person or  
18 (ii) contracting with, or enrolling in, or failing to contract with or enroll in, a  
19 public or private health care system or health insurance plan.

20 (b) This section shall not be construed to expand, limit, or otherwise modify any of the  
21 following:

- 22 (1) The common-law doctrine of necessities that a spouse is liable for the  
23 necessary expenses incurred by the other spouse, including expenses  
24 incurred by medical necessity, or any other duty a person owes to a spouse  
25 or dependent with respect to the provision of health care services or medical  
26 treatment.  
27 (2) Any law regarding which health care services or medical treatments are  
28 lawful within this State or who is authorized to provide health care services  
29 or medical treatments within this State.  
30 (3) Any right or duty of a health care agent with respect to the principal pursuant  
31 to a health care power of attorney executed in accordance with Article 3 of  
32 Chapter 32A of the General Statutes.  
33 (4) Any law regarding the right or duty of a parent or guardian in the  
34 determination or provision of health care services or medical treatment for a  
35 minor.



1       (c)    An individual aggrieved by a violation of this section has standing to bring a private  
2 right of action for the violation. In addition, the Attorney General shall have the duty and  
3 standing to bring or defend a State or federal action or proceeding on behalf of the residents of  
4 this State to enforce the provisions of this section."

5               **SECTION 2.** This act is effective when it becomes law.