

## SENATE BILL No. 361

By Committee on Public Health and Welfare

2-10

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1 AN ACT enacting the second health care freedom act.

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3 *Be it enacted by the Legislature of the State of Kansas:*

4 Section 1. (a) For the purposes of this act:

5 (1) "Health care exchange" means any health benefit exchange  
6 established or operating in this state, including any exchange established  
7 or operated by the United States department of health and human services.

8 (2) "Health insurer" shall have the meaning ascribed to such term in  
9 K.S.A. 40-4602, and amendments thereto.

10 (3) "Penalty" means any civil or criminal fine, tax, salary or wage  
11 withholding, surcharge, fee, or any other imposed consequence established  
12 by law of this state or any subdivision or agency thereof that is used to  
13 punish or discourage the exercise of rights protected under this chapter.

14 (b) Sections 1 through 3, and amendments thereto, shall be known  
15 and may be cited as the second health care freedom act.

16 Sec. 2. (a) No health insurer operating in this state shall accept any  
17 remuneration, credit or subsidy, as described in 42 U.S.C. § 18082, that  
18 may result in the imposition of a penalty against any employer or  
19 individual in this state.

20 (b) If any health insurer violates subsection (a), such health insurer's  
21 authority to offer any insurance policy or to issue new business in the state  
22 through a health care exchange shall be suspended immediately and until  
23 such time as the health insurer represents to the commissioner of insurance  
24 that such health insurer has returned such remuneration, credit or subsidy  
25 to its source and that such health insurer will decline any such future  
26 remuneration, credit or subsidy. Any suspension under this subsection shall  
27 not be construed as impairing such health insurer's right of contract or  
28 right to continue or renew existing business in the state.

29 (c) The attorney general shall take such action as is provided in  
30 section 3, and amendments thereto, in the defense or prosecution of rights  
31 protected under this act.

32 Sec. 3. The attorney general shall seek injunctive and any other  
33 appropriate relief as expeditiously as possible to preserve the rights and  
34 property of the residents of the state, and to defend as necessary the state,  
35 and its officials, employees and agents, in the event that any law or  
36 regulation violating the public policy set forth in this chapter is enacted by

- 1 any government, subdivision or agency thereof.
- 2 Sec. 4. This act shall take effect and be in force from and after its
- 3 publication in the statute book.