

**AMENDMENT TO THE AMENDMENT IN THE
NATURE OF A SUBSTITUTE TO H.R. 4827**

OFFERED BY MS. LUMMIS/MR. JOHNSON

Add at the end of subtitle F of title I the following
(and conform the table of contents accordingly):

**1 SEC. 1502. STATE OPTION TO OPT-OUT OF NEW FEDERAL
2 PROGRAMS AND REQUIREMENTS.**

3 Subtitle G of title I of the Patient Protection and Af-
4 fordable Care Act is amended by adding at the end the
5 following:

**6 "SEC. 1564. STATE OPTION TO OPT-OUT OF NEW FEDERAL
7 PROGRAMS AND REQUIREMENTS.**

8 "(a) IN GENERAL.—In accordance with this section,
9 a State may elect for the provisions of this Act to not
10 apply within such State to the extent that such provisions
11 violate the protections described in subsection (b).

12 "(b) EFFECT OF OPT-OUT.—In the case of a State
13 that makes an election under subsection (a)—

14 "(1) the residents of such State shall not be
15 subject to any requirement under this Act, including
16 tax provisions or penalties, that would otherwise re-
17 quire such residents to purchase health insurance;

1 “(2) the employers located in such State shall
2 not be subject to any requirement under this Act, in-
3 cluding tax provisions or penalties, that would other-
4 wise require such employers to provide health insur-
5 ance to their employees or make contributions relat-
6 ing to health insurance;

7 “(3) the residents of such State shall not be
8 prohibited under this Act from receiving health care
9 services from any provider of health care services
10 under terms and conditions subject to the laws of
11 such State and mutually acceptable to the patient
12 and the provider;

13 “(4) the residents of such State shall not be
14 prohibited under this Act from entering into a con-
15 tract subject to the laws of such State with any
16 group health plan, health insurance issuer, or other
17 business, for the provision of, or payment to other
18 parties for, health care services;

19 “(5) the eligibility of residents of such State for
20 any program operated by or funded wholly or partly
21 by the Federal Government shall not be adversely
22 affected as a result of having received services in a
23 manner consistent with paragraphs (3) and (4); and

24 “(6) the health care providers within such State
25 shall not be denied participation in or payment from

1 a Federal program for which they would otherwise
2 be eligible as a result of having provided services in
3 a manner consistent with paragraphs (3) and (4).

4 “(c) PROCESS.—

5 “(1) IN GENERAL.—A State shall be treated as
6 making an election under subsection (a) if the Gov-
7 ernor of such State provides timely and appropriate
8 notice to the Secretary of Health and Human Serv-
9 ices notifying the Secretary that the State is making
10 such election. Such notice shall be provided at least
11 180 days before the election is to become effective.

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

