

By: Paxton

H.B. No. 97

A BILL TO BE ENTITLED

AN ACT

relating to creation of the Health Freedom Act.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Subtitle G, Title 8, Insurance Code, is amended by adding Chapter 1509 to read as follows:

CHAPTER 1509. HEALTH FREEDOM ACT

Sec. 1509.001. SHORT TITLE. This chapter may be cited as the Health Freedom Act.

Sec. 1509.002. DEFINITIONS. In this chapter "penalty or sanction" includes any civil or criminal fine, administrative penalty, license suspension or revocation, suspension or revocation of the authority to engage in business in this state, tax, salary or wage withholding or garnishment, surcharge, or fee, or any other consequence imposed to punish or discourage the exercise of rights protected under this chapter.

Sec. 1509.003. STATEMENT OF PUBLIC POLICY; CONSTRUCTION WITH OTHER LAW. (a) The power to require an individual to ensure that the individual, and any dependent of the individual, is covered by health insurance coverage, or to impose a penalty or sanction for the failure to ensure that coverage, is not found in the Constitution of the United States of America and is a power reserved to the people under the Ninth Amendment and to the several states under the Tenth Amendment.

(b) Consistent with the constitutionally recognized and

1 inalienable rights of liberty, the public policy of this state is  
2 that each individual in this state has the right to choose or  
3 decline to choose health insurance coverage without penalty or  
4 sanction or threat of penalty or sanction.

5 (c) This section may not be construed to impair any right of  
6 contract related to the provision of health insurance coverage to  
7 any individual or group.

8 Sec. 1509.004. ENFORCEMENT. (a) A state agency, public  
9 official, employee, or political subdivision of this state may not  
10 act to impose, collect, enforce, or effectuate a penalty or  
11 sanction that violates the public policy described by Section  
12 1509.003(b).

13 (b) The attorney general shall take all necessary action to  
14 preserve the rights described by Section 1509.003(b) in the manner  
15 provided by Section 402.036, Government Code.

16 SECTION 2. Subchapter B, Chapter 402, Government Code, is  
17 amended by adding Section 402.036 to read as follows:

18 Sec. 402.036. ENFORCEMENT OF HEALTH FREEDOM ACT. If a law  
19 or regulation that violates the public policy of the Health Freedom  
20 Act (Chapter 1509, Insurance Code) is enacted by any government,  
21 including the federal government of the United States of America,  
22 or any governmental subdivision or agency, the attorney general  
23 shall take all necessary action to preserve the rights described by  
24 Section 1509.003(b), Insurance Code, including:

- 25 (1) seeking injunctive relief; and  
26 (2) defending this state and state officials,  
27 employees, and agencies.

1           SECTION 3. This Act takes effect immediately if it receives  
2 a vote of two-thirds of all the members elected to each house, as  
3 provided by Section 39, Article III, Texas Constitution. If this  
4 Act does not receive the vote necessary for immediate effect, this  
5 Act takes effect on the 91st day after the last day of the  
6 legislative session.