

BILL ANALYSIS

C.S.H.B. 3709

By: Bell

Federalism & Fiscal Responsibility, Select
Committee Report (Substituted)

BACKGROUND AND PURPOSE

As the federal Patient Protection and Affordable Care Act begins to take effect, interested parties continue to express concerns that the health care mandate will result in overburdened Medicaid programs, higher taxes, an unconstitutional requirement that individuals purchase health insurance, and a federal takeover of health insurance regulation. The parties propose model legislation to prevent the adoption of any health care policies that are inconsistent with the protection of an individual's freedom of choice as Patient Protection and Affordable Care Act litigation continues to make its way through the courts, to prevent a single-payer system from being implemented at the state level, and to protect citizens from the imposition of a state health care mandate if the federal health law is ultimately repealed. C.S.H.B. 3709 seeks to address these concerns by enacting the Health Freedom Act.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

C.S.H.B. 3709 amends the Insurance Code to prohibit an agency, public officer or employee, or political subdivision of Texas from acting to impose, collect, enforce, or effectuate a penalty or sanction that violates the state's public policy that each individual in Texas has the right to choose or decline to choose health insurance coverage without penalty or sanction or threat of penalty or sanction. The bill requires the attorney general to take all necessary action to preserve those rights in the manner provided by the bill. The bill clarifies that those rights may not be construed to impair any right of contract related to the provision of health insurance coverage to any individual or group or the establishment or enforcement of a court or administrative order for medical support of a child.

C.S.H.B. 3709 amends the Government Code to require the attorney general, if a law or rule or regulation that violates such public policy is enacted by any governmental entity, including the federal government, a political subdivision of the state, or a state or federal agency, to take all necessary action to preserve the right of each individual in Texas to choose or decline to choose health insurance coverage without penalty or sanction or threat of penalty or sanction, including by seeking injunctive relief and by defending the state and its officials, employees, and agencies.

EFFECTIVE DATE

On passage, or, if the bill does not receive the necessary vote, September 1, 2013.

COMPARISON OF ORIGINAL AND SUBSTITUTE

C.S.H.B. 3709 differs from the original in minor or nonsubstantive ways to make technical corrections.