

## BILL ANALYSIS

C.S.H.J.R. 59  
By: Creighton  
Federalism & Fiscal Responsibility, Select  
Committee Report (Substituted)

### BACKGROUND AND PURPOSE

Texas law currently does not offer an explicit protection for an individual who chooses or declines to choose certain health insurance coverage. Interested parties assert that an individual's right to choose or decline to choose health insurance coverage should be protected. C.S.H.J.R. 59 seeks to provide this protection.

### RULEMAKING AUTHORITY

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

### ANALYSIS

C.S.H.J.R. 59 proposes an amendment to the Texas Constitution to establish 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 and to prohibit a state agency, public official, employee, or political subdivision of this state from imposing, collecting, enforcing, or effectuating a penalty or sanction intended to punish or discourage the exercise of that right. The resolution prohibits these provisions from being 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 the medical support of a child.

### ELECTION DATE

The constitutional amendment proposed by this joint resolution will be submitted to the voters at an election to be held November 5, 2013.

### COMPARISON OF ORIGINAL AND SUBSTITUTE

While C.S.H.J.R. 59 may differ from the original in minor or nonsubstantive ways, the following comparison is organized and highlighted in a manner that indicates the substantial differences between the introduced and committee substitute versions of the bill.

#### INTRODUCED

SECTION 1. Article I, Texas Constitution, is amended by adding Section 34 to read as follows:

Sec. 34. (a) Each individual in this state has the right to choose or decline to choose health insurance coverage without penalty or sanction or threat of penalty or sanction.  
(b) A state agency, public official,

#### HOUSE COMMITTEE SUBSTITUTE

SECTION 1. Article I, Texas Constitution, is amended by adding Section 34 to read as follows:

Sec. 34. (a) Each individual in this state has the right to choose or decline to choose health insurance coverage without penalty or sanction or threat of penalty or sanction.  
(b) A state agency, public official,

employee, or political subdivision of this state may not act to impose, collect, enforce, or effectuate a penalty or sanction intended to punish or discourage the exercise of the right described by Subsection (a) of this section.

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

(d) For purposes of this section, "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 Subsection (a) of this section.

SECTION 2. This proposed constitutional amendment shall be submitted to the voters at an election to be held November 5, 2013. The ballot shall be printed to provide for voting for or against the proposition: "The constitutional amendment providing individuals the right to choose or decline to choose health insurance coverage without penalty or sanction or threat of penalty or sanction."

employee, or political subdivision of this state may not act to impose, collect, enforce, or effectuate a penalty or sanction intended to punish or discourage the exercise of the right described by Subsection (a) of this section.

(c) This section may not be construed to impair:

(1) any right of contract related to the provision of health insurance coverage to any individual or group; or

(2) the establishment or enforcement of a court or administrative order for the medical support of a child.

(d) For purposes of this section, "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 Subsection (a) of this section.

SECTION 2. Same as column one version.