

By: Bell

H.B. No. 3709

Substitute the following for H.B. No. 3709:

By: Burkett

C.S.H.B. No. 3709

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 1510 to read as follows:

CHAPTER 1510. HEALTH FREEDOM ACT

Sec. 1510.001. SHORT TITLE. This chapter may be cited as the Health Freedom Act.

Sec. 1510.002. DEFINITION. 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. 1510.003. STATEMENT OF PUBLIC POLICY; CONSTRUCTION WITH OTHER LAW. (a) Consistent with the constitutionally recognized and inalienable rights of liberty, the public policy of this state is that 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) This section may not be construed to impair any right of contract related to the provision of health insurance coverage to an individual or group, or the establishment or enforcement of a

1 court or administrative order for medical support of a child.

2 Sec. 1510.004. ENFORCEMENT. (a) An agency, public officer  
3 or employee, or political subdivision of this state may not act to  
4 impose, collect, enforce, or effectuate a penalty or sanction that  
5 violates the public policy described by Section 1510.003(a).

6 (b) The attorney general shall take all necessary action  
7 authorized by Section 402.038, Government Code, to preserve the  
8 rights described by Section 1510.003(a).

9 SECTION 2. Subchapter B, Chapter 402, Government Code, is  
10 amended by adding Section 402.038 to read as follows:

11 Sec. 402.038. ENFORCEMENT OF HEALTH FREEDOM ACT. If a law  
12 or rule or regulation that violates the public policy described by  
13 Section 1510.003(a), Insurance Code, is enacted or adopted by any  
14 governmental entity, including the federal government, a political  
15 subdivision of this state, or a state or federal agency, the  
16 attorney general shall take all necessary action to preserve the  
17 rights described by Section 1510.003(a), Insurance Code,  
18 including:

- 19 (1) seeking injunctive relief; and  
20 (2) defending this state and state officers,  
21 employees, and agencies.

22 SECTION 3. This Act takes effect immediately if it receives  
23 a vote of two-thirds of all the members elected to each house, as  
24 provided by Section 39, Article III, Texas Constitution. If this  
25 Act does not receive the vote necessary for immediate effect, this  
26 Act takes effect September 1, 2013.