

By: White

H.J.R. No. 48

A JOINT RESOLUTION

1 proposing a constitutional amendment relating to the rights of
2 individuals to choose or decline to choose to purchase health
3 insurance coverage.

4 BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF TEXAS:

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

7 Sec. 34. (a) Each individual in this state has the right to
8 choose or decline to choose to purchase health insurance coverage
9 without penalty or sanction or threat of penalty or sanction.

10 (b) A state agency, public official, employee, or political
11 subdivision of this state may not act to impose, collect, enforce,
12 or effectuate a penalty or sanction intended to punish or
13 discourage the exercise of the right described by Subsection (a) of
14 this section.

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

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

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

20 (d) For purposes of this section, "penalty or sanction"
21 includes any civil or criminal fine, administrative penalty,
22 license suspension or revocation, suspension or revocation of the
23 authority to engage in business in this state, tax, salary or wage
24 withholding or garnishment, surcharge, or fee, or any other

1 consequence imposed to punish or discourage the exercise of rights
2 protected under Subsection (a) of this section.

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