

State of Minnesota
HOUSE OF REPRESENTATIVES

EIGHTY-SEVENTH SESSION

H. F. No. 2974

03/28/2012 Authored by Dean

The bill was read for the first time and referred to the Committee on Health and Human Services Reform

1.1 A bill for an act
1.2 proposing an amendment to the Minnesota Constitution, article XIII, by adding a
1.3 section; preserving the freedom to choose health care and health care coverage.

1.4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

1.5 Section 1. **CONSTITUTIONAL AMENDMENT PROPOSED.**

1.6 An amendment to the Minnesota Constitution is proposed to the people. If the
1.7 amendment is adopted, a section shall be added to article XIII to read:

1.8 Sec. 13. To preserve the freedom of Minnesotans to choose health care and health
1.9 care coverage:

1.10 (1) no federal, state, or local law or rule shall compel, directly or indirectly, any
1.11 person, employer, or health care provider to participate in a health system;

1.12 (2) no federal, state, or local law or rule shall prohibit the purchase or sale of health
1.13 care or health insurance; and

1.14 (3) no federal, state, or local law or rule shall impose a penalty or fine for the sale or
1.15 purchase of health care or health insurance.

1.16 This section does not affect laws or rules in effect as of March 19, 2010; affect
1.17 which services a health care provider or hospital is required to perform or provide; affect
1.18 terms and conditions of government employment; or affect any laws calculated to deter
1.19 fraud or punish wrongdoing in the health care industry. This section does not affect the
1.20 ability of the state to participate in and administer medical assistance, MinnesotaCare,
1.21 or other state public health care programs, or to receive any available federal financial
1.22 participation for those programs.

1.23 As used in this section:

1.24 (1) "compel" includes the levying of penalties or fines;

(2) "health care system" means any public or private entity or program whose function or purpose includes the management of, processing of, enrollment of individuals for, or payment for, in full or in part, health care services, health care data, or health care information for its participants; and

(3) "penalty or fine" means any civil or criminal penalty or fine, tax, salary, or wage withholding or surcharge or any named fee established by law or rule by a government agency that is used to punish or discourage the exercise of rights protected under this section.

Sec. 2. **SUBMISSION TO VOTERS.**

The proposed amendment must be submitted to the people at the 2012 general election. The question submitted must be:

"Shall the Minnesota Constitution be amended to state that to preserve the freedom of Minnesotans to choose health care and health care coverage:

(1) no federal, state, or local law or rule shall compel, directly or indirectly, any person, employer, or health care provider to participate in a health system;

(2) no federal, state, or local law or rule shall prohibit the purchase or sale of health care or health insurance; and

(3) no federal, state, or local law or rule shall impose a penalty or fine for the sale or purchase of health care or health insurance?

Yes

No "