CCHF Model Legislation

*States’ Rights Over Healthcare Act; Prohibiting Penalty Taxes for Failure to Purchase Government-Approved Health Insurance*

A bill for an act prohibiting federally-imposed penalty taxes for failure of individuals or employers to purchase government-approved health insurance; proposing coding for new law in ____________ (state) Statutes, chapter ____.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ____________:

Sec. 1. ____________ (state) HEALTHCARE MARKETPLACE PRESERVATION.

Subdivision 1. Citation. This section shall be known as and may be cited as the "__________ (state) States Rights Over Healthcare Act."

Subd. 2. Definitions. (a) For purposes of this section, the following terms have the meanings given them.
(b) "Health care service" means any service, treatment, or provision of a product for the care of a physical or mental disease, illness, injury, defect, or condition, or to otherwise maintain or improve physical or mental health, subject to all laws and rules regulating health service providers and products within the state of ____________.
(c) "Mode of securing" means to purchase directly or on credit or by trade, or to contract for third-party payment by insurance or other legal means as authorized by the state of ____________, or to apply for or accept employer-sponsored or government-sponsored health care benefits under such conditions as may legally be required as a condition of such benefits, or any combination of the same.
(d) "Penalty" means any civil or criminal fine, tax, salary or wage withholding, surcharge, fee, or any other imposed consequence established by law or rule of a government or its subdivision or agency that is used to punish or discourage the exercise of rights protected under this section.
Subd. 3. **Statement of public policy.** (a) The power to require or regulate a person’s or an employer’s choice in the mode of securing health care services, or to impose a penalty related to that choice, is not found in the Constitution of the United States of America, and is therefore a power reserved to the people pursuant to the Ninth Amendment, and to the several states pursuant to the Tenth Amendment. The state of ___________ hereby exercises its sovereign power to declare the public policy of the state of ___________ regarding the right of all persons and all employers residing in the state in choosing the mode of securing health care services, which is consistent with the constitutionally recognized inalienable right of liberty, whereas every person and every employer within the state of ___________ is and shall be free to choose or decline to choose any mode of securing health care services without penalty or threat of penalty. (b) The policy stated under this section shall not be applied to impair any right of contract related to the provision of health care services to any person or group.

Subd. 4. **Enforcement.** The professional license of any officer of a court sitting within the state of ___________, who acts to impose, collect, enforce, or effectuate any penalty in the state of ___________ that violates the public policy set forth in this section, shall be suspended for a period of one year.

**EFFECTIVE DATE.** This section is effective the day following final enactment.