

As Reported by the House Health and Aging Committee

**129th General Assembly
Regular Session
2011-2012**

H. J. R. No. 2

Representatives Maag, Sears

**Cosponsors: Representatives Huffman, Boose, Adams, J., Martin,
Grossman, Stautberg, Blair, Mecklenborg, Burke, Adams, R., Hayes,
Derickson, Ruhl, Snitchler, Bubp, Wachtmann, Stebelton, Combs, Hall, Beck,
Baker, Carey, Thompson, Blessing, McClain, Amstutz, Brenner, Gardner,
Balderson, Roegner, Goodwin, Kozlowski, Henne, Rosenberger, Buchy**

JOINT RESOLUTION

Proposing to enact Section 21 of Article I of the 1
Constitution of the State of Ohio to preserve the 2
freedom of Ohioans to choose their health care and 3
health care coverage. 4

Be it resolved by the General Assembly of the State of Ohio, 5
three-fifths of the members elected to each house concurring 6
herein, that there shall be submitted to the electors of the 7
state, in the manner prescribed by law at the general election to 8
be held November 8, 2011, a proposal to enact Section 21 of 9
Article I of the Constitution of the State of Ohio to read as 10
follows: 11

ARTICLE I

Section 21. (A) To preserve the freedom of Ohioans to choose 12
their health care and health care coverage: 13

(1) No law or rule shall compel, directly or indirectly, any 14
person, employer, or health care provider to participate in a 15
health care system. 16

(2) No law or rule shall prohibit the purchase of health care or health insurance or the sale of health care or health insurance. 17
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(3) No law or rule shall impose a penalty or fine for the purchase or sale of health care or health insurance. 20
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(B) This section does not affect any law or rule in effect as of March 19, 2010; affect which services a health care provider or hospital is required to perform or provide; affect terms and conditions of government employment; affect any law or rule calculated to deter fraud or punish wrongdoing in the health care industry; or affect any law or rule related to workers' compensation. 22
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(C) As used in this section: 29

(1) "Compel" includes the levying of, or the threat of levying, any penalty or fine. 30
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(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. 32
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(3) "Penalty or fine" means any civil or criminal penalty or fine, tax, salary or wage withholding or surcharge, or any named fee with a similar effect established by law or by rule of a government-established, -created, or -controlled agency that is used to punish or discourage the exercise of rights protected under this section. 37
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EFFECTIVE DATE 43

If adopted by a majority of the electors voting on this proposal at the general election held November 8, 2011, Section 21 of Article I of the Constitution of the State of Ohio shall take effect immediately. 44
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