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 1509 to read as follows:

CHAPTER 1509. HEALTH FREEDOM ACT

Sec. 1509.001. SHORT TITLE. This chapter may be cited as
the Health Freedom Act.

Sec. 1509.002. DEFINITIONS. 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. 1509.003. STATEMENT OF PUBLIC POLICY; CONSTRUCTION
WITH OTHER LAW. (a) The power to require an individual to ensure
that the individual, and any dependent of the individual, is
covered by health insurance coverage, or to impose a penalty or
sanction for the failure to ensure that coverage, is not found in
the Constitution of the United States of America and is a power
reserved to the people under the Ninth Amendment and to the several
states under the Tenth Amendment.

(b) 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.

(c) This section may not be construed to impair any right of
contract related to the provision of health insurance coverage to
any individual or group.

Sec. 1509.004. ENFORCEMENT. (a) A state agency, public
official, employee, or political subdivision of this state may not
act to impose, collect, enforce, or effectuate a penalty or
sanction that violates the public policy described by Section
1509.003(b).

(b) The attorney general shall take all necessary action to
preserve the rights described by Section 1509.003(b) in the manner
provided by Section 402.036, Government Code.

SECTION 2. Subchapter B, Chapter 402, Government Code, is
amended by adding Section 402.036 to read as follows:

Sec. 402.036. ENFORCEMENT OF HEALTH FREEDOM ACT. If a law
or regulation that violates the public policy of the Health Freedom
Act (Chapter 1509, Insurance Code) is enacted by any government,
including the federal government of the United States of America,
or any governmental subdivision or agency, the attorney general
shall take all necessary action to preserve the rights described by
Section 1509.003(b), Insurance Code, including:

(1) seeking injunctive relief; and

(2) defending this state and state officials,
employees, and agencies.
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SECTION 3. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect on the 91st day after the last day of the legislative session.