

SENATE BILL 3498

By Beavers

AN ACT to amend Tennessee Code Annotated, Title 8;  
Title 56; Title 63; Title 68 and Title 71, relative to  
health care.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Title 56, Chapter 7, Part 10, is amended by  
adding the following as a new section:

§ 56-7-1015.

(a) This section shall be known and may be cited as the "Tennessee Health  
Freedom Act."

(b) As used in this section:

(1) "Health care services" means any service, treatment, or provision of  
product for the care of 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 this  
state;

(2) "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  
authorized by the state of Tennessee, or to apply for or accept employer 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;

(3) "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 chapter.

(c)

(1) The power to require or regulate a person's choice in the mode of securing health care services, or to impose a penalty related thereto, 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. This state hereby exercises its sovereign power to declare the public policy of this state regarding the right of all persons residing in this state in choosing the mode of securing health care services.

(2) It is declared that the public policy of this state, consistent with our constitutionally recognized and inalienable rights of liberty, is that every person within this state is and shall be free to choose or decline to choose any mode of securing health care services without penalty or threat of penalty.

(3) The policy stated in 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.

(d)

(1) No public official, employee, or agent of this state or any of its political subdivisions shall act to impose, collect, enforce, or effectuate any penalty in this state that violates the public policy set forth in this section.

(2) The attorney general shall take such action as is provided in Section 2 of this act, in the defense or prosecution of rights protected under this section.

SECTION 2. Tennessee Code Annotated, Title 8, Chapter 6, Part 1, is amended by adding the following as a new section:

§ 8-6-113.

Except as otherwise provided in this chapter, it is the duty of the attorney general and reporter to seek injunctive and any other appropriate relief as expeditiously as possible to preserve the rights and property of the residents of this state, and to defend as necessary this state, its officials, employees and agents in the event that any law or regulation violating the public policy set forth in the Tennessee Health Freedom Act, compiled in Section 1 of this act, is enacted by any government, subdivision or agency thereof.

SECTION 3. This act shall take effect upon becoming a law, the public welfare requiring it.