

Amendment No. 1 to SB3498

Johnson
Signature of Sponsor

AMEND Senate Bill No. 3498

House Bill No. 3433*

by deleting all language after the enacting clause and substituting instead the following:

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 the federal government of the United States of America 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 and to be free from the imposition of penalties or the threat of penalties by the federal government of the United States of America when choosing such.

(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 by the federal government of the United States of America.

(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.