



**HOUSE JOINT
RESOLUTION No. 8**

DIGEST OF INTRODUCED RESOLUTION

Citations Affected: Article 1 of the Indiana Constitution.

Synopsis: Right to opt out of health care system. Proposes an amendment to the state constitution to specify certain rights with respect to health care. This proposed amendment has not been previously agreed to by a general assembly.

Effective: This proposed amendment must be agreed to by two consecutive general assemblies and ratified by a majority of the state's voters voting on the question to be effective.

Turner, Stemler

January 13, 2010, read first time and referred to Committee on Rules and Legislative Procedures.

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Second Regular Session 116th General Assembly (2010)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2009 Regular and Special Sessions of the General Assembly.

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HOUSE JOINT RESOLUTION No. 8

A JOINT RESOLUTION proposing an amendment to Article 1 of the Indiana Constitution by adding new sections concerning the bill of rights.

Be it resolved by the General Assembly of the State of Indiana:

- 1 SECTION 1. The following amendment to the Constitution of the
- 2 State of Indiana is proposed and agreed to by this, the One Hundred
- 3 Sixteenth General Assembly of the State of Indiana, and is referred to
- 4 the next General Assembly for reconsideration and agreement.
- 5 SECTION 2. ARTICLE 1, SECTION 38 OF THE CONSTITUTION
- 6 OF THE STATE OF INDIANA IS ADDED AS A NEW SECTION TO
- 7 READ AS FOLLOWS: **Section 38. (a) A person, an employer, or a**
- 8 **health care provider shall not be compelled, directly or indirectly,**
- 9 **to participate in any health care system.**
- 10 **(b) A person or an employer may pay directly for lawful health**
- 11 **care services and shall not be subject to penalties or fines for**
- 12 **paying directly for lawful health care services.**



- 1 (c) A health care provider may receive direct payment for
- 2 health care services from a person or an employer and shall not be
- 3 subject to penalties or fines for accepting direct payment from a
- 4 person or an employer for lawful health care services.
- 5 (d) Subject to reasonable and necessary laws that do not
- 6 substantially limit a person's options, the purchase or sale of health
- 7 insurance in private health care systems shall not be prohibited.
- 8 (e) A health care system's terms and conditions must not have
- 9 the effect of punishing:
 - 10 (1) a person or an employer for paying directly for lawful
 - 11 health care services; or
 - 12 (2) a health care provider for accepting direct payment from
 - 13 a person or an employer for lawful health care services.
 - 14 (f) This section does not do any of the following:
 - 15 (1) Affect which health care services a health care provider is
 - 16 required to provide.
 - 17 (2) Affect which health care services are permitted by law.
 - 18 (3) Prohibit care provided in relation to worker's
 - 19 compensation.
 - 20 (4) Affect laws in effect before January 1, 2010.
 - 21 (g) The General Assembly may define terms in this section by
 - 22 appropriate legislation.

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