

# HOUSE JOINT RESOLUTION Z

August 19, 2009, Introduced by Rep. Amash and referred to the Committee on Health Policy.

A joint resolution proposing an amendment to the state constitution of 1963, by adding section 28 to article I, to affirm a right to independent health care.

Resolved by the Senate and House of Representatives of the state of Michigan, That the following amendment to the state constitution of 1963, to affirm a right to independent health care, is proposed, agreed to, and submitted to the people of the state:

ARTICLE I

SEC. 28. (1) EVERY PERSON HAS A RIGHT TO PROVIDE FOR HIS OR HER OWN HEALTH CARE.

(2) A LAW OR RULE SHALL NOT COMPEL, DIRECTLY OR INDIRECTLY, ANY PERSON, EMPLOYER, OR HEALTH CARE PROVIDER TO PARTICIPATE IN ANY HEALTH CARE SYSTEM.

1           (3) A PERSON OR EMPLOYER SHALL NOT BE REQUIRED TO PAY  
2 PENALTIES OR FINES FOR PAYING DIRECTLY FOR LAWFUL HEALTH CARE  
3 SERVICES. A HEALTH CARE PROVIDER SHALL NOT BE REQUIRED TO PAY  
4 PENALTIES OR FINES FOR ACCEPTING DIRECT PAYMENT FROM A PERSON OR  
5 EMPLOYER FOR LAWFUL HEALTH CARE SERVICES. A HEALTH CARE SYSTEM  
6 SHALL NOT BE REQUIRED TO PAY PENALTIES OR FINES FOR PERMITTING A  
7 PERSON OR EMPLOYER TO PAY DIRECTLY FOR LAWFUL HEALTH CARE SERVICES  
8 OR FOR PERMITTING A HEALTH CARE PROVIDER TO ACCEPT DIRECT PAYMENT  
9 FROM A PERSON OR EMPLOYER FOR LAWFUL HEALTH CARE SERVICES.

10           (4) NO LAW OR RULE SHALL DISADVANTAGE A HEALTH CARE SYSTEM FOR  
11 PERMITTING A PERSON OR EMPLOYER TO PAY DIRECTLY FOR LAWFUL HEALTH  
12 CARE SERVICES OR FOR PERMITTING A HEALTH CARE PROVIDER TO ACCEPT  
13 DIRECT PAYMENT FROM A PERSON OR EMPLOYER FOR LAWFUL HEALTH CARE  
14 SERVICES.

15           (5) SUBJECT TO REASONABLE AND NECESSARY LAWS AND RULES THAT DO  
16 NOT SUBSTANTIALLY LIMIT A PERSON'S OR EMPLOYER'S OPTIONS, THE  
17 PURCHASE OR SALE OF HEALTH INSURANCE OR HEALTH COVERAGE IN PRIVATE  
18 HEALTH CARE SYSTEMS SHALL NOT BE PROHIBITED BY LAW OR RULE.

19           (6) THIS SECTION DOES NOT DO ANY OF THE FOLLOWING:

20           (A) AFFECT WHICH HEALTH CARE SERVICES A HEALTH CARE PROVIDER  
21 IS REQUIRED TO PERFORM OR PROVIDE.

22           (B) AFFECT WHICH HEALTH CARE SERVICES ARE PERMITTED BY LAW.

23           (C) PROHIBIT CARE PROVIDED PURSUANT TO, OR PROHIBIT  
24 PARTICIPATION UNDER, THE WORKER'S COMPENSATION LAW OR AUTOMOBILE  
25 NO-FAULT LAW.

26           (D) AFFECT LAWS OR RULES IN EFFECT AS OF JANUARY 1, 2009.

27           (7) AS USED IN THIS SECTION:

1 (A) "COMPEL" INCLUDES PENALTIES OR FINES.

2 (B) "DIRECT PAYMENT" AND "PAY DIRECTLY" MEAN PAYMENT FOR  
3 LAWFUL HEALTH CARE SERVICES WITHOUT A PUBLIC OR PRIVATE THIRD  
4 PARTY, NOT INCLUDING AN EMPLOYER, PAYING FOR ANY PORTION OF THE  
5 SERVICE.

6 (C) "HEALTH CARE SYSTEM" MEANS ANY PUBLIC OR PRIVATE ENTITY  
7 WHOSE FUNCTION OR PURPOSE IS THE MANAGEMENT OF, PROCESSING OF,  
8 ENROLLMENT OF INDIVIDUALS FOR, OR PAYMENT FOR, IN FULL OR PART,  
9 HEALTH CARE SERVICES, HEALTH CARE DATA, OR HEALTH CARE INFORMATION  
10 FOR ITS PARTICIPANTS.

11 (D) "LAWFUL HEALTH CARE SERVICES" MEANS ANY HEALTH-RELATED  
12 SERVICE OR TREATMENT, TO THE EXTENT THAT THE SERVICE OR TREATMENT  
13 IS PERMITTED OR NOT PROHIBITED BY LAW, RULE, OR REGULATION, THAT  
14 MAY BE PROVIDED BY PERSONS OR BUSINESSES OTHERWISE PERMITTED TO  
15 OFFER THOSE SERVICES OR TREATMENTS.

16 (E) "PENALTIES OR FINES" MEANS ANY CRIMINAL OR CIVIL PENALTY,  
17 FINE, TAX, SALARY OR WAGE WITHHOLDING, SURCHARGE, OR ANY NAMED FEE  
18 WITH A SIMILAR EFFECT ESTABLISHED BY LAW OR RULE, THAT IS USED TO  
19 PUNISH OR DISCOURAGE THE EXERCISE OF RIGHTS PROTECTED UNDER THIS  
20 SECTION.

21 (F) "RULE" MEANS A RULE ESTABLISHED BY A GOVERNMENT-  
22 ESTABLISHED, -CREATED, OR -CONTROLLED AGENCY.

23 Resolved further, That the foregoing amendment shall be  
24 submitted to the people of the state at the next general election  
25 in the manner provided by law.