



State of Tennessee

PUBLIC CHAPTER NO. 9

SENATE BILL NO. 79

By Beavers, Johnson, Tracy, Summerville, Yager, Watson, Bell, Gresham, Campfield, Haile, Faulk, Mr. Speaker Ramsey

Substituted for: House Bill No. 115

By Weaver, Campbell, Kevin Brooks, Coley, Ramsey, Lollar, Dean, Rich, Hensley, Butt, Matlock, Faison, Don Miller, Hall, Harrison, Ryan Williams, Sanderson, McCormick, Powers, Maggart, Holt, Sargent, Wirgau, Shipley, Halford, Hurley, Casada, John Deberry, Evans, Dennis, Sexton, Eldridge, Forgety, Sparks, Womick, Carr, Gotto, Tidwell, Alexander, Watson, Hill, Matheny, Pody, Niceley, Marsh, Ragan, Hawk, Lundberg, McManus, Harry Brooks, Curtis Johnson, White, Haynes

AN ACT to amend Tennessee Code Annotated, Title 56, 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:

56-7-1016.

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

(b) As used in this section:

(1) "Healthcare 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 healthcare 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 healthcare 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 healthcare services.

(2) It is declared that the public policy of this state, consistent with our constitutionally-recognized and inalienable right of liberty, is that every person within this state is and shall be free to choose or to decline to choose any mode of securing healthcare services without penalty or threat of penalty; provided, however, the provisions of Titles 36 and 56 concerning requirements for healthcare coverage of children in child support cases shall not be altered in any manner by the provisions of this section.

(3) It is declared that the public policy of this state, consistent with our constitutionally-recognized and inalienable right of liberty, is that every person within this state has the right to purchase health insurance or to refuse to purchase health insurance, unless purchase of health insurance is otherwise a condition of employment. The government may not interfere with a citizen's right to purchase health insurance or with a citizen's right to refuse to purchase health insurance. The government may not enact a law that would restrict these rights or that would impose a form of punishment for exercising either of these rights. Any law to the contrary shall be void ab initio.

(4) The policy stated in this section shall not be applied to impair any right of contract related to the provision of healthcare services to any person or group.

(d) 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.

SECTION 2. This act shall take effect upon becoming a law, the public welfare requiring it.

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PASSED: March 7, 2011



RON RAMSEY
SPEAKER OF THE SENATE



BETH HARWELL, SPEAKER
HOUSE OF REPRESENTATIVES

APPROVED this 18th day of March 2011



BILL HASLAM, GOVERNOR