

House Joint Resolution 5 - Introduced

HOUSE JOINT RESOLUTION 5
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HOUSE JOINT RESOLUTION

1 A Joint Resolution proposing an amendment to the Constitution
2 of the State of Iowa preserving the freedom of Iowans to
3 provide for their own health care.
4 BE IT RESOLVED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. The following amendment to the Constitution of
2 the State of Iowa is proposed:

3 Article I of the Constitution of the State of Iowa is amended
4 by adding the following new section:

5 **Health care — freedom to provide.** SEC. 24A. In order to
6 preserve the freedom of citizens of this state to provide for
7 their own health care, a law or rule shall not compel, directly
8 or indirectly, or through penalties or fines, any person,
9 employer, or health care provider to participate in any health
10 care system. A person or employer may pay directly for lawful
11 health care services and shall not be required to pay penalties
12 or fines for paying directly for lawful health care services.
13 A health care provider may accept direct payment for lawful
14 health care services and shall not be required to pay penalties
15 or fines for accepting direct payment from a person or employer
16 for lawful health care services. Subject to reasonable and
17 necessary rules that do not substantially limit a person's
18 options, the purchase or sale of health insurance in private
19 health care systems shall not be prohibited by law or rule.

20 This section shall not be construed to affect which health
21 care services a health care provider or hospital is required
22 to perform or provide; affect which health care services are
23 permitted by law; prohibit care provided pursuant to any
24 provision of this Constitution or valid law of this state
25 relating to workers' compensation; affect laws or rules in
26 effect as of January 1, 2011; or affect the terms or conditions
27 of any health care system to the extent that those terms and
28 conditions do not have the effect of punishing a person or
29 employer for paying directly for lawful health care services
30 or a health care provider for accepting direct payment from
31 a person or employer for lawful health care services. The
32 general assembly may provide by law for the implementation of
33 this section.

34 As used in this section:

35 1. "*Direct payment*" or "*pay directly*" means payment for

1 lawful health care services without a public or private third
2 party, not including an employer, paying for any portion of the
3 services.

4 2. "*Health care system*" means any public or private entity
5 whose function is the management of, processing of, enrollment
6 of individuals for, or payment for, in full or in part, health
7 care services or health care information for its participants.

8 3. "*Lawful health care services*" means any health-related
9 service or treatment to the extent that the service or
10 treatment is permitted or not prohibited by law or rules, that
11 may be provided by persons or businesses offering such service
12 or treatment.

13 4. "*Penalties or fines*" means any civil or criminal penalty
14 or fine, tax, salary or wage withholding or surcharge, or any
15 named fee with a similar effect established by law or rule by
16 an agency established, created, or controlled by the federal
17 or state government, that is used to punish or discourage the
18 exercise of rights protected under this section.

19 Sec. 2. REFERRAL AND PUBLICATION. The foregoing proposed
20 amendment to the Constitution of the State of Iowa is referred
21 to the general assembly to be chosen at the next general
22 election for members of the general assembly, and the secretary
23 of state is directed to cause it to be published for three
24 consecutive months before the date of the election as provided
25 by law.

26 EXPLANATION

27 This joint resolution proposes an amendment to the
28 Constitution of the State of Iowa to preserve the freedom of
29 Iowans to provide for their own health care by not requiring
30 any person, employer, or health care provider to participate
31 in any health care system and allowing any person or employer
32 to pay directly for lawful health care services, without
33 penalties or fines for failure to do so. The general assembly
34 is authorized to implement the amendment by law.

35 The proposed amendment to the Constitution of the State of

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1 Iowa, if adopted, would be referred to the Eighty-fifth General
2 Assembly for adoption a second time, before being submitted to
3 the electorate for ratification.