

**As Reported by the Senate Insurance, Commerce and Labor
Committee**

**129th General Assembly
Regular Session
2011-2012**

S. J. R. No. 1

Senator Grendell

**Cosponsors: Senators Faber, Jones, Wagoner, Cates, Schaffer, Bacon,
Daniels, LaRose, Jordan, Hughes, Hite**

JOINT RESOLUTION

Proposing to enact Section 21 of Article I of the 1
Constitution of the State of Ohio to preserve the 2
freedom of Ohioans to choose their health care and 3
health care coverage. 4

Be it resolved by the General Assembly of the State of Ohio, 5
three-fifths of the members elected to each house concurring 6
herein, that there shall be submitted to the electors of the 7
state, in the manner prescribed by law at the general election to 8
be held November 8, 2011, a proposal to enact Section 21 of 9
Article I of the Constitution of the State of Ohio to read as 10
follows: 11

ARTICLE I

Section 21. (A) To preserve the freedom of Ohioans to choose 12
their health care and health care coverage: 13

(1) No law or rule shall compel, directly or indirectly, any 14
person, employer, or health care provider to participate in a 15
health care system. 16

(2) No law or rule shall prohibit the purchase of health care 17
or health insurance or the sale of health care or health 18

insurance. 19

(3) No law or rule shall impose a penalty or fine for the 20
purchase or sale of health care or health insurance. 21

(B) This section does not affect any law or rule in effect as 22
of March 19, 2010; affect which services a health care provider or 23
hospital is required to perform or provide; affect terms and 24
conditions of government employment; affect any law or rule 25
calculated to deter fraud or punish wrongdoing in the health care 26
industry; or affect any law or rule related to workers' 27
compensation. 28

(C) As used in this section: 29

(1) "Compel" includes the levying of, or the threat of 30
levying, any penalty or fine. 31

(2) "Health care system" means any public or private entity 32
or program whose function or purpose includes the management of, 33
processing of, enrollment of individuals for, or payment for, in 34
full or in part, health care services, health care data, or health 35
care information for its participants. 36

(3) "Penalty or fine" means any civil or criminal penalty or 37
fine, tax, salary or wage withholding or surcharge, or any named 38
fee with a similar effect established by law or by rule of a 39
government-established, -created, or -controlled agency that is 40
used to punish or discourage the exercise of rights protected 41
under this section. 42

EFFECTIVE DATE 43

If adopted by a majority of the electors voting on this 44
proposal at the general election held November 8, 2011, Section 21 45
of Article I of the Constitution of the State of Ohio shall take 46
effect immediately. 47