



Ohio Legislative Service Commission

Resolution Analysis

Carol Napp

S.J.R. 1*

129th General Assembly
(As Reported by H. Health and Aging)

Sens. Grendell, Faber, Jones, Wagoner, Cates, Schaffer, Bacon, Daniels, LaRose, Jordan, Hughes, Hite, Beagle, Coley, Gillmor, Lehner, Manning, Niehaus, Obhof, Patton, Seitz, Widener

RESOLUTION SUMMARY

- Proposes a constitutional amendment to prohibit certain laws and rules relating to health care.
- Provides for the proposed amendment to be submitted to the voters at the November 8, 2011, general election.

CONTENT AND OPERATION

Prohibitions

The resolution proposes enactment of Section 21 of Article I of the Ohio Constitution. Under the proposed constitutional amendment, no law or rule can do any of the following:

- (1) Compel, directly or indirectly, any person, employer, or health care provider to participate in a health care system;
- (2) Prohibit the purchase or sale of health care or health insurance;
- (3) Impose a penalty or fine for the purchase or sale of health care or health insurance.

* This analysis was prepared before the report of the House Health and Aging Committee appeared in the House Journal. Note that the list of co-sponsors and the legislative history may be incomplete.

The proposed constitutional amendment states that these provisions are to preserve the freedom of Ohioans to choose their health care and health care coverage.

Exclusions

The proposed constitutional amendment specifies that it does not affect any of the following:

- (1) Any law or rule in effect as of March 19, 2010;
- (2) Which services a health care provider or hospital is required to perform or provide;
- (3) Terms and conditions of government employment;
- (4) Any law or rule calculated to deter fraud or punish wrongdoing in the health care industry;
- (5) Any law or rule related to workers' compensation.

Definitions

For purposes of the proposed constitutional amendment:

"Compel" includes the levying of, or the threat of levying, any penalty or fine.

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

"Penalty or fine" means any civil or criminal penalty or fine, tax, salary or wage withholding or surcharge, or any named fee with a similar effect established by law or by rule of a government-established, -created, or -controlled agency that is used to punish or discourage the exercise of rights protected under the proposed constitutional amendment.

Election and effective date

The resolution requires that the proposed constitutional amendment be submitted to the electors at the general election to be held November 8, 2011. If adopted by a majority of the electors voting on it, the proposed amendment will take effect immediately.

HISTORY

ACTION

DATE

Introduced	02-01-11
Reported, S. Insurance, Commerce and Labor	06-15-11
Adopted Senate (24-9)	06-15-11
Reported, H. Health & Aging	—

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