



Ohio Legislative Service Commission

Resolution Analysis

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S.J.R. 1*

129th General Assembly

(As Reported by S. Insurance, Commerce and Labor)

Sens. Grendell, Faber, Jones, Wagoner, Cates, Schaffer, Bacon, Daniels, LaRose, Jordan

RESOLUTION SUMMARY

- Submits to the voters at the November 8, 2011, general election a proposal to enact a constitutional amendment to prohibit certain laws and rules relating to health care.

CONTENT AND OPERATION

Prohibitions

The resolution proposes enactment of a new Section 21 of Article I of the Constitution of the State of Ohio. Under that 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.

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

* This analysis was prepared before the report of the Senate Insurance, Commerce and Labor Committee appeared in the Senate Journal. Note that the list of co-sponsors and the legislative history may be incomplete.

Exclusions

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

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

Definitions

For purposes of the proposed constitutional amendment:

"**Compel**" includes the levying of, or the threat of levying, any penalties or fines.

"**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 by 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 provides that the proposed constitutional amendment will be submitted to the electors at the general election to be held on November 8, 2011. If approved by a majority of the electors voting on it, the proposed amendment will take effect immediately.



HISTORY

ACTION

DATE

Introduced
Reported, Insurance, Commerce and Labor

02-01-11
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