

HOUSE BILL NO. 206

INTRODUCED BY MACLAREN, ARNTZEN, BERRY, CONNELL, FLYNN, GREEF, HOWARD,
MCGILLVRAY, READ, REICHNER, C. SMITH, WARBURTON, WELBORN, BALYEAT, ESSMANN, OLSON,
SONJU

A BILL FOR AN ACT ENTITLED: "AN ACT SUBMITTING TO THE QUALIFIED ELECTORS OF MONTANA AN
AMENDMENT TO ARTICLE II OF THE MONTANA CONSTITUTION PROVIDING FOR THE RIGHT TO
CHOOSE HEALTH INSURANCE COVERAGE; AND PROVIDING AN EFFECTIVE DATE."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

NEW SECTION. **Section 1.** Article II of The Constitution of the State of Montana is amended by adding
a new section 36 that reads:

Section 36. Right to choose health insurance coverage. (1) All individuals and employers have the
right to choose whether or not to purchase or participate in any plan of health insurance coverage. No individual
or employer shall pay a fine, penalty, or fee or be subject to civil or criminal sanction for exercising the right to
choose whether to purchase or participate in health insurance coverage.

(2) A health care provider shall not pay a fine, penalty, or fee or be subject to civil or criminal sanction
for accepting direct payment for health care services from an individual or an employer, on behalf of an employee,
if the individual or employer has exercised the right to choose whether to purchase or participate in a plan of
health insurance coverage.

NEW SECTION. **Section 2. Two-thirds vote required.** Because [section 1] is a legislative proposal
to amend the constitution, Article XIV, section 8, of the Montana constitution requires an affirmative roll call vote
of two-thirds of all the members of the legislature, whether one or more bodies, for passage.

NEW SECTION. **Section 3. Effective date.** If approved by the electorate, [this act] is effective January
1, 2013.

NEW SECTION. **Section 4. Submission to electorate.** [This act] shall be submitted to the qualified



1 electors of Montana at the general election to be held in November 2012 by printing on the ballot the full title of
2 [this act] and the following:

3 FOR providing that individuals and employers have a right to choose whether to purchase or
4 participate in a health insurance plan.

5 AGAINST providing that individuals and employers have a right to choose whether to purchase
6 or participate in a health insurance plan.

7 - END -