

**Assembly Constitutional Amendment**

**No. 24**

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**Introduced by Assembly Member Donnelly**  
**(Coauthors: Assembly Members Cook, Jeffries, and Silva)**  
(Coauthors: Senators La Malfa and Walters)

February 24, 2012

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Assembly Constitutional Amendment No. 24—A resolution to propose to the people of the State of California an amendment to the Constitution of the State, by adding Section 24 to Article XX thereof, relating to health care coverage.

LEGISLATIVE COUNSEL'S DIGEST

ACA 24, as introduced, Donnelly. Health care coverage.

Existing federal law, the Patient Protection and Affordable Health Care Act, beginning in 2014, requires most individuals to maintain minimum essential health care coverage or pay a penalty.

This measure would amend the California Constitution to prohibit a federal, state, or local law or rule from compelling a person or business to participate in a health care system, as defined; imposing penalties or fines, as defined, for failure to maintain coverage; or prohibiting the sale or purchase of health care or health insurance, subject to specified exceptions.

Vote:  $\frac{2}{3}$ . Appropriation: no. Fiscal committee: yes.  
State-mandated local program: no.

1 *Resolved by the Assembly, the Senate concurring,* That the  
2 Legislature of the State of California at its 2011–12 Regular  
3 Session commencing on the sixth day of December 2010,  
4 two-thirds of the membership of each house concurring, hereby

1 proposes to the people of the State of California, that the  
2 Constitution of the State be amended as follows:

3 That Section 24 is added to Article XX thereof, to read:

4 SEC. 24. (a) A federal, state, or local law or rule shall not  
5 compel, directly or indirectly, any person, employer, or health care  
6 provider to participate in a health care system.

7 (b) A federal, state, or local law or rule shall not prohibit the  
8 purchase or sale of health care or health insurance.

9 (c) A federal, state, or local law or rule shall not impose a  
10 penalty or fine for the sale or purchase of health care or health  
11 insurance.

12 (d) This section does not affect any of the following:

13 (1) Laws or rules in effect as of March 19, 2010.

14 (2) The services a health care provider or hospital is required  
15 to perform or provide.

16 (3) The terms and conditions of government employment.

17 (4) Laws calculated to deter fraud or punish wrongdoing in the  
18 health care industry.

19 (e) As used in this section:

20 (1) “Compel” includes the levying of penalties or fines.

21 (2) “Health care system” means any public or private entity or  
22 program whose function or purpose includes the management of,  
23 processing of, enrollment of individuals for, or payment for, in  
24 full or in part, health care services, health care data, or health care  
25 information for its participants.

26 (3) “Penalty or fine” means any civil or criminal penalty or fine,  
27 any tax, any salary or wage withholding or surcharge, or any named  
28 fee that is established by law or rule by an agency established,  
29 created, or controlled by government and that is used to punish or  
30 discourage the exercise of rights protected under this section.