

HEALTHCARE FREEDOM PROTECTION ACT
(Initiative To Ban this State or a local government Health Insurance Exchange)

EXPLANATION – Matter in *bolded italics* is new

The People of the State of Nevada do enact as follows:

Section 1. Article 15 of the Nevada Constitution is hereby amended by adding thereto a new section to be designated as Section 17, to read as follows:

Sec. 17. 1. No department, commission, board or other agency of this State or a local government may:

(a) Create, operate or maintain a health insurance exchange; or

(b) Enter into a contract or other agreement with any person, including, without limitation, a nonprofit corporation, another state or local government, a political subdivision of a local government or another governmental agency to create, operate or maintain a health insurance exchange on behalf of the State or local government.

2. As used in this section:

(a) "Health insurance exchange":

(1) Means an entity that performs one or more of the following functions:

(I) Facilitates the purchase and sale of health plans in the individual market in Nevada;

(II) Assists employers in Nevada in facilitating the purchase of health plans and enrollment of employees or dependents of employees in health plans; or

(III) Assists employers in Nevada in facilitating the application for subsidies for an employer providing a health plan for employees or dependents of employees;

(2) Includes an American Health Benefit Exchange or a Small Business Health Options Program, created pursuant to the federal Patient Protection and Affordable Care Act, Public Law 111-148, as amended by the federal Health Care and Education Reconciliation Act of 2010, Public Law 111-152, and any amendments to, or regulations or guidance issued pursuant to, those Acts; and

(3) Includes an entity that meets the qualifications set forth in subparagraph (1) regardless of whether the entity meets the requirements set forth in the federal Patient Protection and Affordable Care Act, Public Law 111-148, as amended by the federal Health Care and Education Reconciliation Act of 2010, Public Law 111-152, and any amendments to, or regulations or guidance issued pursuant to, those Acts.

(b) "Local government" means every political subdivision or other entity which has the right to levy or receive money from ad valorem or other taxes or any mandatory assessments.

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K. R. W.
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SECRETARY OF STATE
NEVADA

DESCRIPTION OF EFFECT

In 2011, the Legislature created the Silver State Health Insurance Exchange ("Exchange"). The Exchange's duties include: (1) facilitating the purchase and sale of health plans to uninsured Nevadans; (2) assisting employers in purchasing health plans and enrolling employees in health plans; and (3) performing duties that are required of the Exchange to implement the requirements of the federal law commonly known as "Obamacare" - the Patient Protection and Affordable Care Act, as amended by the Health Care and Education Reconciliation Act of 2010.

This amendment to the Nevada Constitution prohibits this State or a local government from: (1) creating, operating or maintaining a health insurance exchange; or (2) entering into a contract for the creation, operation or maintenance of a health insurance exchange.

This amendment to the Nevada Constitution also defines "health insurance exchange" and "local government."

This amendment to the Nevada Constitution would result in the elimination of the Exchange. The effect of eliminating the Exchange is that the Federal Government will be responsible for carrying out the duties currently performed by the Exchange in Nevada pursuant to the provisions of Obamacare.

County of _____ (Only registered voters of this county may sign below)
Petition District: _____ (Only registered voters of this petition district may sign below)

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Office Use Only

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AFFIDAVIT OF CIRCULATOR

(To be signed by circulator in the presence of a notary public)

STATE OF NEVADA)

COUNTY OF _____)

I, _____ (print name), being first duly sworn under penalty of perjury, depose and say: (1) that I reside at _____ (print street, city and state); (2) that I am 18 years of age or older; (3) that I personally circulated this document; (4) that all signatures were affixed in my presence; (5) that the number of signatures affixed thereon is _____; and (6) that each person who signed had an opportunity before signing to read the full text of the act or resolution on which the initiative is demanded.

 Signature of Circulator

Subscribed and sworn to or affirmed before me this
 _____ day of _____, _____.

 Notary Public