



NEW YORK STATE SENATOR

James L. Seward

Seward Unveils New York Health Care Freedom Act

JAMES L. SEWARD April 14, 2010

| ISSUE: [HEALTH, INSURANCE, HEALTH CARE](#)



ALBANY, 04/14/10 – In an effort to protect health care options in New York, state Senator James L. Seward (R/C/I- Oneonta) today proposed a state constitutional amendment that would permit New York residents to opt out of the federally mandated requirement to purchase health insurance.

“Forcing individuals to purchase health insurance under penalty of law flies in the face of our Constitution” said Senator Seward. **“New Yorkers have always had the right to choose their own health care coverage. They don’t want the federal government interjecting itself into the process.”**

Under Senator Seward's New York Health Care Freedom Act (senate bill 7374), individuals would have the right to choose their health care plans, and also be allowed to opt out of coverage. The law would also shield individuals and employers from penalties and fines if they choose not to participate in the government mandated system.

“Selecting a doctor and health insurance coverage are very personal decisions. New Yorkers don’t want government meddling in the process,” Seward continued. **“The New York Health Care Freedom Act protects patients’ fundamental rights, ensures employers can shop around for the best coverage for their employees, and safeguards doctors from becoming government targets.”**

The New York Health Care Freedom Act is not an attempt to “opt out of” or nullify federal health insurance legislation. It is intended to protect the liberty of New York citizens to control their own medical care, and wouldn't affect those who want the federal care.

Senator Seward's New York Health Care Freedom Act would:

Prohibit any law or rule from directly or indirectly compelling any person, employer or health care provider to participate in any health care system;

Allow a person or employer to pay directly for lawful health care services without paying penalties or fines;

Permit a health care provider to accept direct payment from a person or employer for lawful health care services without paying penalties or fines;

Assert that, subject to reasonable and necessary rules that do not substantially limit a person's options, the purchase or sale of private health insurance shall not be prohibited.

Similar amendments have already been signed into law in three states and proposed in thirty-six others.

“The federal government can’t tell you what kind of car to buy, force you to eat at a certain restaurant, or require you to join a specific health club. There is no basis for Washington D.C. to restrict health insurance or force individuals to spend their hard earned money on something they don’t want or can’t afford,” Seward concluded.

Senator Seward is former chairman of the Senate Standing Committee on Insurance and currently serves as the ranking Republican. He has developed a number of state policies to help provide consumers with a wider availability of health insurance options at an affordable cost. Seward has also led the fight in New York against insurance fraud, a leading factor in rising premiums.