

## SENATE JOINT RESOLUTION NO. SJ0002

Health care freedom.

Sponsored by: Senator(s) Nutting, Case, Driskill and  
Jennings and Representative(s) Brechtel,  
Gay, Jaggi and Kroeker

A BILL

for

1 A JOINT RESOLUTION proposing to amend the Wyoming  
2 Constitution by creating a new section specifying that no  
3 federal or state law shall compel participation in any  
4 health care system by any person, employer or health care  
5 provider.

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7 *BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF WYOMING,*  
8 *two-thirds of all the members of the two houses, voting*  
9 *separately, concurring therein:*

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11 **Section 1.** The following proposal to amend Wyoming  
12 Constitution, Article 7, by creating a new Section 24 is  
13 proposed for submission to the electors of the State of  
14 Wyoming at the next general election for approval or

1 rejection to become valid as a part of the Constitution if  
2 ratified by a majority of the electors at the election:

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4 **Article 7, Section 24. Right of free choice in health**  
5 **care.**

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7 (a) All persons shall have the right to choose and  
8 provide for their own health care.

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10 (b) No federal or state law, rule or administrative  
11 decision shall compel, directly or indirectly, any person,  
12 employer or health care provider to participate in any  
13 health care system.

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15 (c) No federal law, rule or administrative decision  
16 shall compel, directly or indirectly, the people of the  
17 state of Wyoming to participate in any health care system  
18 or penalize for nonparticipation as guaranteed in the  
19 United States Constitution 9<sup>th</sup> or 10<sup>th</sup> amendments.

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21 (d) A person or employer may pay directly for lawful  
22 health care services and shall not be required to pay  
23 penalties or fines for paying directly for lawful health  
24 care services. Wyoming health care providers may accept

1 direct payment for lawful health care services without  
2 requirement to pay penalties or fines for accepting direct  
3 payment from a person or employer for lawful health care  
4 services.

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6 (e) Subject to reasonable and necessary rules that do  
7 not limit a person's rights under this section, the  
8 purchase or sale of health insurance in private health care  
9 systems shall not be mandated or prohibited by law, rule or  
10 administrative decision.

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12 (f) This section does not:

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14 (i) Affect which health care services a health  
15 care provider or hospital is required to perform or  
16 provide;

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18 (ii) Affect which health care services are  
19 permitted by law;

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21 (iii) Prohibit care provided pursuant to article  
22 10, section 4 of this constitution or any statutes enacted  
23 by the legislature relating to workers' compensation;

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1           (iv) Affect the terms or conditions of any  
2 health care system to the extent that those terms and  
3 conditions do not have the effect of punishing a person or  
4 employer for paying directly for lawful health care  
5 services or a health care provider or hospital for  
6 accepting direct payment from a person or employer for  
7 lawful health care services.

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9           (g) For purposes of this section:

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11           (i) "Compel" includes the imposition of  
12 penalties or fines;

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14           (ii) "Direct payment" or "pay directly" means  
15 payment for lawful health care services without a public or  
16 private third party, not including an employer, paying for  
17 any portion of the service;

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19           (iii) "Health care system" means any public or  
20 private entity whose function or purpose is the management  
21 of, processing of or enrollment of individuals for or  
22 payment for, in full or in part, health care services,  
23 health care data or health care information for its  
24 participants;

1

2           (iv) "Lawful health care services" means any  
3 health-related service or treatment to the extent that the  
4 service or treatment is permitted or not prohibited by law  
5 or regulation that may be provided by persons or businesses  
6 otherwise permitted to offer such services;

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8           (v) "Penalties or fines" means any civil or  
9 criminal penalty or fine, tax, salary or wage withholding  
10 or surcharge or any named fee with a similar effect  
11 established by law or rule by a government established,  
12 created or controlled agency that is used to punish or  
13 discourage the exercise of rights protected under this  
14 section.

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16           **Section 2.** That the Secretary of State shall endorse  
17 the following statement on the proposed amendment:

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1 The adoption of this amendment will preserve the right of  
2 all persons to make their own health care decisions. It  
3 expressly prohibits all government from mandating  
4 individuals or entities to participate in any type of  
5 health care system or health insurance plan or exchange.  
6 The amendment will prohibit laws imposing fines, taxes or  
7 any other penalties upon an individual or entity for  
8 choosing to obtain or decline health care coverage or to  
9 participate in any health care system, plan or exchange, or  
10 to pay directly or receive payment directly for health care  
11 services.

12

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(END)