

SENATE JOINT RESOLUTION NO. SJ0003

Health care freedom-2.

Sponsored by: Senator(s) Scott, Hines and Von Flatern and
Representative(s) Blikre, Brown, Gay,
Harvey, Kasperik, Lubnau and Wallis

A BILL

for

1 A JOINT RESOLUTION proposing to amend the Wyoming
2 Constitution to recognize individuals' right to make health
3 care decisions; prohibiting specified state actions
4 limiting the right to make health care decisions; providing
5 exceptions; authorizing the attorney general to participate
6 in litigation as specified to protect the right to make
7 health care decisions.

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

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13 **Section 1.** The following proposal to amend Wyoming
14 Constitution, Article 1, by creating a new Section 38 is
15 proposed for submission to the electors of the State of

1 Wyoming at the next general election for approval or
2 rejection to become valid as a part of the Constitution if
3 ratified by a majority of the electors at the election:

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5 **Article 1, Section 38. Protection of individuals to**
6 **make their own health care decisions.**

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8 (a) The state of Wyoming recognizes the right of a
9 natural person to make health care decisions. Neither the
10 state nor any political subdivision of the state shall:

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12 (i) Limit the ability of any person to obtain
13 beneficial health care from an appropriate licensed health
14 care provider acting within the lawful scope of the
15 provider's practice, provided the person is willing and
16 able to pay for the care in a manner satisfactory to the
17 provider;

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19 (ii) Sanction or penalize any health care
20 provider acting within the lawful scope of the provider's
21 practice for competently providing health care to any
22 person; or

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1 (iii) Sanction or penalize any person or entity
2 for participating or declining to participate in any
3 particular health care insurance plan or health care system
4 except for employers required to participate in the
5 workers' compensation system. This section shall not be
6 construed as limiting the ability of the state to regulate
7 the business of health insurance and other business
8 arrangements that promise payment for health care in the
9 future in return for present payments.

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11 (b) The state of Wyoming shall have the power to:

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13 (i) License and regulate the provision of health
14 care to promote professional competence and reduce the
15 potential for harm from poorly provided health care; and

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17 (ii) Protect the public from diseases,
18 epidemics, harmful substances and harmful procedures.

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20 (c) Nothing in this constitution shall be construed
21 as requiring the state or any political subdivision to
22 provide or pay for any health care, except for the workers'
23 compensation system and for prisoners and others in the

1 custody of the state or a subdivision to the standard
2 deemed appropriate and enacted into law by the legislature.

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4 (d) Notwithstanding Article 16, Section 6 of this
5 constitution, the attorney general may, subject to the
6 availability of appropriated funds and subject to any
7 regulations and restrictions the legislature may provide by
8 law, provide any citizen of the state with assistance,
9 including financial assistance, to protect the right to
10 make health care decisions from being abridged by the
11 federal government or its agents.

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

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16 The passage of this amendment would add a new section to
17 the Wyoming constitution that recognizes a right of
18 individuals to make their own health care decisions. The
19 amendment would prohibit the state from rationing health
20 care that is otherwise available, prohibit the state from
21 preventing individuals' purchase of health care and
22 prohibit the state from sanctioning or penalizing a health
23 care provider for providing lawful health care. The
24 amendment would also prohibit the state from requiring an

1 individual or business to buy any particular health
2 insurance plan or participate in any particular health care
3 system. The amendment does not limit the state's ability
4 to regulate the business of insurance, to license health
5 care professionals, to protect the public health, to
6 provide health care for persons in state custody and to
7 provide workers' compensation. The amendment would allow
8 the attorney general to assist individual citizens in
9 litigation against the federal government to protect the
10 right to make health care decisions, subject to state
11 statutes and appropriations.

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(END)