

SENATE JOINT RESOLUTION NO. SJ0001

Health freedom of choice.

Sponsored by: Senator(s) Hines, Anderson, J., Bebout and Case and Representative(s) Hallinan and Lubnau

A BILL

for

1 A JOINT RESOLUTION proposing to amend the Wyoming
2 Constitution by creating a new section specifying that the
3 federal government shall not interfere with an individual's
4 health care decisions and prohibiting any penalty, fine or
5 tax imposed because of a decision to participate in or
6 decline health insurance, or to pay directly or receive
7 payment directly for health care services.

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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:

12

13 **Section 1.**

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1 (a) The legislature of the state of Wyoming finds that
2 the tenth amendment to the constitution of the United
3 States of America provides that "The powers not delegated
4 to the United States by the Constitution, nor prohibited by
5 it to the States, are reserved to the States respectively,
6 or to the people."

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8 (b) The legislature of the state of Wyoming, acting on
9 behalf of the state and its people, hereby considers those
10 powers reserved to the state and the people under the tenth
11 amendment to the United States constitution. In
12 considering such powers, the legislature hereby finds and
13 concludes that the right to make decisions about an
14 individual's own health care is not a power delegated to
15 the United States government, but rather is a fundamental
16 right, reserved to the people under the tenth amendment to
17 the constitution of the United States, and specifically
18 reserved under article 7, section 20 of the Wyoming
19 constitution, inalienable by any form of government.

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21 (c) In the event that this amendment is challenged in
22 a court of law, the terms "penalty" or "fine" include civil
23 or criminal penalties, fines, taxes, salary or wage
24 withholdings or surcharges, or any named fee, action, delay

1 or practice with a similar effect established by law.
2 Where any language in this section is unclear,
3 interpretation of it by any government body should err in
4 favor of preserving the individual right of medical
5 freedom.

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7 **Section 2.** The following proposal to amend Wyoming
8 Constitution, Article 7 by creating a new Section 24 is
9 proposed for submission to the electors of the State of
10 Wyoming at the next general election for approval or
11 rejection to become valid as a part of the Constitution if
12 ratified by a majority of the electors at the election:

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14 **Article 7, Section 24. Right of free choice in health**
15 **care.**

16

17 The federal government shall not interfere with an
18 individual's fundamental right to make decisions about that
19 individual's health care. No law shall impose a penalty,
20 fine or tax of any type on a person or entity for choosing
21 to obtain, decline, participate in or not participate in
22 any health care insurance, system or plan, or for paying
23 directly or receiving direct payment for health care
24 services. This section preserves existing health care

1 agreements and contracts, upholds health care providers'
2 liberty to perform the health care services they select as
3 recognized by state law and does not affect the terms of
4 health care services offered through state workers'
5 compensation laws or the provision of state hospitals.
6 Nothing in this constitution shall be construed as
7 requiring the state or any subdivision thereof to provide
8 or pay for any health care, except for prisoners and others
9 in the custody of the state, or a subdivision, to the
10 standard deemed appropriate by and enacted into law by the
11 legislature.

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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 adoption of this amendment would preserve the
17 right of all persons to make their own health care
18 decisions. It expressly prohibits the federal government
19 from mandating individuals or entities to participate in
20 any type of health care system or health insurance plan.
21 The amendment would prohibit laws imposing fines, taxes or
22 other penalties upon an individual or entity for choosing
23 to obtain or decline health care coverage or to participate
24 in any health care system or plan, or to pay directly or

1 receive payment directly for health care services.

2

3 **Section 3.** There is appropriated forty-seven thousand
4 nine hundred dollars (\$47,900.00) from the general fund to
5 the secretary of state. This appropriation shall only be
6 expended for the purpose of costs of publication required
7 by this act and W.S. 22-20-104. Notwithstanding any other
8 provision of law, this appropriation shall not be
9 transferred or expended for any other purpose and any
10 unexpended, unobligated funds remaining from this
11 appropriation shall revert as provided by law on June 30,
12 2012. This section is effective July 1, 2010.

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(END)