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

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

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

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

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

(c) In the event that this amendment is challenged in a court of law, the terms "penalty" or "fine" include civil or criminal penalties, fines, taxes, salary or wage withholdings or surcharges, or any named fee, action, delay
or practice with a similar effect established by law. Where any language in this section is unclear, interpretation of it by any government body should err in favor of preserving the individual right of medical freedom.

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

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

The federal government shall not interfere with an individual's fundamental right to make decisions about that individual's health care. No law shall impose a penalty, fine or tax of any type on a person or entity for choosing to obtain, decline, participate in or not participate in any health care insurance, system or plan, or for paying directly or receiving direct payment for health care services. This section preserves existing health care
agreements and contracts, upholds health care providers' liberty to perform the health care services they select as recognized by state law and does not affect the terms of health care services offered through state workers' compensation laws or the provision of state hospitals. Nothing in this constitution shall be construed as requiring the state or any subdivision thereof to provide or pay for any health care, except for prisoners and others in the custody of the state, or a subdivision, to the standard deemed appropriate by and enacted into law by the legislature.

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

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

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