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

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

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. 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.

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

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

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

(d) A person or employer may pay directly for lawful health care services and shall not be required to pay penalties or fines for paying directly for lawful health care services. Wyoming health care providers may accept
direct payment for lawful health care services without requirement to pay penalties or fines for accepting direct payment from a person or employer for lawful health care services.

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

(f) This section does not:

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

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

(iii) Prohibit care provided pursuant to article 10, section 4 of this constitution or any statutes enacted by the legislature relating to workers' compensation;
(iv) Affect the terms or conditions of any health care system to the extent that those terms and conditions do not have the effect of punishing a person or employer for paying directly for lawful health care services or a health care provider or hospital for accepting direct payment from a person or employer for lawful health care services.

(g) For purposes of this section:

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

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

(iii) "Health care system" means any public or private entity whose function or purpose is the management of, processing of or enrollment of individuals for or payment for, in full or in part, health care services, health care data or health care information for its participants;
(iv) "Lawful health care services" means any health-related service or treatment to the extent that the service or treatment is permitted or not prohibited by law or regulation that may be provided by persons or businesses otherwise permitted to offer such services;

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

Section 2. That the Secretary of State shall endorse the following statement on the proposed amendment:
The adoption of this amendment will preserve the right of all persons to make their own health care decisions. It expressly prohibits all government from mandating individuals or entities to participate in any type of health care system or health insurance plan or exchange. The amendment will prohibit laws imposing fines, taxes or any other penalties upon an individual or entity for choosing to obtain or decline health care coverage or to participate in any health care system, plan or exchange, or to pay directly or receive payment directly for health care services.

(END)