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

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

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 1, by creating a new Section 38 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 1, Section 38. Protection of individuals to make their own health care decisions.**

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

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

(ii) Sanction or penalize any health care provider acting within the lawful scope of the provider's practice for competently providing health care to any person; or
(iii) Sanction or penalize any person or entity for participating or declining to participate in any particular health care insurance plan or health care system except for employers required to participate in the workers' compensation system. This section shall not be construed as limiting the ability of the state to regulate the business of health insurance and other business arrangements that promise payment for health care in the future in return for present payments.

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

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

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

(c) Nothing in this constitution shall be construed as requiring the state or any political subdivision to provide or pay for any health care, except for the workers' compensation system and for prisoners and others in the
(d) Notwithstanding Article 16, Section 6 of this constitution, the attorney general may, subject to the availability of appropriated funds and subject to any regulations and restrictions the legislature may provide by law, provide any citizen of the state with assistance, including financial assistance, to protect the right to make health care decisions from being abridged by the federal government or its agents.

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

The passage of this amendment would add a new section to the Wyoming constitution that recognizes a right of individuals to make their own health care decisions. The amendment would prohibit the state from rationing health care that is otherwise available, prohibit the state from preventing individuals' purchase of health care and prohibit the state from sanctioning or penalizing a health care provider for providing lawful health care. The amendment would also prohibit the state from requiring an
individual or business to buy any particular health insurance plan or participate in any particular health care system. The amendment does not limit the state's ability to regulate the business of insurance, to license health care professionals, to protect the public health, to provide health care for persons in state custody and to provide workers' compensation. The amendment would allow the attorney general to assist individual citizens in litigation against the federal government to protect the right to make health care decisions, subject to state statutes and appropriations.