

HOUSE BILL NO. HB0035

Health Care Choice and Protection Act.

Sponsored by: Representative(s) Brechtel, Burkhardt,
Davison, Edmonds, Gay, Jaggi, Kroeker,
Peasley, Quarberg, Semlek and Teeters and
Senator(s) Jennings, Meier and Nutting

A BILL

for

1 AN ACT relating to a Health Care Choice and Protection Act;
2 establishing the Health Care Choice and Protection Act;
3 authorizing the attorney general to defend specified
4 actions and prescribing optional legal remedies; providing
5 legislative findings and declarations; and providing for an
6 effective date.

7

8 *Be It Enacted by the Legislature of the State of Wyoming:*

9

10 **Section 1.** W.S. 35-30-101 through 35-30-105 are
11 created to read:

12

13

CHAPTER 30

14

HEALTH CARE CHOICE AND PROTECTION ACT

15

1 **35-30-101. Short title; applicability.**

2

3 (a) This act shall be known and may be cited as the
4 "Health Care Choice and Protection Act."

5

6 (b) This act shall apply to a person's right to
7 choose or decline to choose any mode of securing health
8 care services without risk of penalty or threat of penalty.

9

10 **35-30-102. Definitions.**

11

12 (a) As used in this act:

13

14 (i) "Borders of Wyoming" means the boundaries of
15 Wyoming as described in Section 2 of the Act of Admission
16 of the state of Wyoming, 26 United States Statutes at
17 Large, 222, chapter 664;

18

19 (ii) "Health care services" shall mean any
20 service, treatment or provision of product for the care of
21 physical or mental disease, illness, injury, defect or
22 condition, or to otherwise maintain or improve physical or
23 mental health, subject to all laws and rules regulating

1 health service providers and products within the state of
2 Wyoming;

3

4 (iii) "Mode of securing" shall mean to purchase
5 directly or on credit or by trade, or to contract for
6 third-party payment by insurance or other legal means
7 authorized by the state of Wyoming, or to apply for or
8 accept employer or government sponsored health care
9 benefits under such conditions as may legally be required
10 as a condition of such benefits, or any combination of the
11 same;

12

13 (iv) "Penalty" shall mean any civil or criminal
14 fine, tax, salary or wage withholding, surcharge, fee or
15 any other imposed consequence established by law or rule of
16 a government or its subdivision or agency that is used to
17 punish or discourage the exercise of rights protected under
18 this chapter;

19

20 (v) "This act" means W.S. 35-30-101 through
21 35-30-105.

22

23 **35-30-103. Legislative findings and declaration of**
24 **authority; declaration of invalidity.**

1

2 (a) The legislature declares that the authority for
3 W.S. 35-30-101 through 35-30-105 is the following:

4

5 (i) It is the sworn or affirmed duty of the
6 Wyoming legislators to protect and defend the constitution
7 of Wyoming and the United States Constitution and in doing
8 so adopt and enact any and all measures as may be necessary
9 within the borders of Wyoming to prevent the enforcement of
10 the Patient Protection and Affordable Care Act and the
11 Health Care and Education Reconciliation Act of 2010;

12

13 (ii) The tenth amendment to the United States
14 Constitution guarantees to the states and their people all
15 powers not granted to the federal government elsewhere in
16 the constitution and reserves to the state and the people
17 of Wyoming certain powers as they were understood at the
18 time that Wyoming was admitted to statehood in 1890. The
19 guaranty of those powers is a matter of contract between
20 the state and people of Wyoming and the several states
21 comprising the United States as of the time the Act of
22 Admission was agreed upon and adopted by Wyoming and the
23 several states comprising the United States in 1889;

24

1 (iii) The ninth amendment to the United States
2 Constitution guarantees to the people rights not granted in
3 the constitution and reserves to the people of Wyoming
4 certain rights, as they were understood at the time Wyoming
5 was admitted to statehood in 1890. The guaranty of those
6 rights is a matter of contract between the state and people
7 of Wyoming and the several states comprising the United
8 States as of the time the Act of Admission was agreed upon
9 and adopted by Wyoming and the United States in 1889;

10

11 (iv) Article 1, section 1, of the Wyoming
12 constitution provides that all power is inherent in the
13 people, and all free governments are founded on their
14 authority, and instituted for their peace, safety and
15 happiness; for all the advancement of these ends they have
16 at all times an inalienable and indefeasible right to
17 alter, reform or abolish the government in such manner as
18 they may think proper;

19

20 (v) Article 1, section 7, of the Wyoming
21 constitution provides that absolute, arbitrary power over
22 the lives, liberty and property of freemen exists nowhere
23 in a republic, not even in the largest majority;

24

1 (vi) Article 1, sections 1 and 7, of the Wyoming
2 constitution clearly provide that the people of the state
3 have the sole and exclusive right of governing themselves
4 as a free, sovereign and independent state, and do so and
5 forever hereafter shall exercise and enjoy every power,
6 jurisdiction and right, pertaining thereto, which is not,
7 or may not hereafter be, by them expressly delegated to the
8 United States of America;

9
10 (vii) The declaration of independence clearly
11 provides that government derives its power directly from
12 the consent of the governed and Wyoming affirms the
13 language of the second paragraph of the declaration of
14 independence which states "We hold these truths to be self-
15 evident, that all men are created equal, that they are
16 endowed by the Creator with certain inalienable Rights,
17 that among these are Life, Liberty and the pursuit of
18 Happiness. That to secure these rights, Governments are
19 instituted among Men, deriving their just powers from the
20 consent of the governed...".

21
22 (b) The Wyoming legislature declares that the federal
23 laws known as the "Patient Protection and Affordable Care
24 Act," Public Law 111-148, and the "Health Care and

1 Education Reconciliation Act of 2010," Public Law 111-152,
2 are not authorized by the constitution of the United States
3 and violate its meaning, intent and principles as given by
4 the ratifiers, and are hereby declared to be invalid in the
5 state, shall not be recognized by this state, are
6 specifically rejected by this state and shall be considered
7 null and void and of no effect in this state.

8

9 **35-30-104. Defense of Wyoming citizens; private right**
10 **of action.**

11

12 (a) The attorney general may defend a citizen of
13 Wyoming who is prosecuted by the United States government
14 or agents for violation of the Patient Protection and
15 Affordable Care Act or the Health Care and Education
16 Reconciliation Act of 2010.

17

18 (b) In addition to any other remedies, a person
19 suffering pecuniary loss because of a violation by another
20 person of this article may bring an action in any court of
21 competent jurisdiction and shall be entitled to recover all
22 of the following:

23

1 (i) The greater of five thousand dollars
2 (\$5,000.00) or twice the amount of the pecuniary loss;

3

4 (ii) All costs and reasonable attorney fees.

5

6 **35-30-105. Protection of health care choice.**

7

8 (a) Every person within the borders of Wyoming is and
9 shall be free to choose or decline to choose any mode of
10 securing health care services without penalty or threat of
11 penalty.

12

13 (b) No law shall restrict a person's natural right
14 and power of contract to secure the blessings of liberty to
15 choose private health care systems or private plans. No law
16 shall interfere with the right of a person or entity to pay
17 for lawful medical services to preserve life or health, nor
18 shall any law impose a penalty, tax, fee or fine, of any
19 type, to decline or to contract for health care coverage or
20 to participate in any particular health care system or
21 plan, except as required by a court where an individual or
22 entity is a named party in a judicial dispute. Nothing
23 herein shall be construed to expand, limit or otherwise

1 modify any determination of law regarding what constitutes
2 lawful medical services within the state of Wyoming.

3

4 **Section 2.** This act is effective immediately upon
5 completion of all acts necessary for a bill to become law
6 as provided by Article 4, Section 8 of the Wyoming
7 Constitution.

8

9

(END)