

HOUSE JOINT RESOLUTION NO. HJ0012

Health freedom of choice-2.

Sponsored by: Representative(s) Lubnau, Buchanan, Quarberg
and Simpson and Senator(s) Bebout

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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15 (a) The legislature of the state of Wyoming finds that
16 the tenth amendment to the constitution of the United

1 States of America provides that "The powers not delegated
2 to the United States by the Constitution, nor prohibited by
3 it to the States, are reserved to the States respectively,
4 or to the people."

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

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19 (c) In the event that this amendment is challenged in
20 a court of law, the terms "penalty" or "fine" include civil
21 or criminal penalties, fines, taxes, salary or wage
22 withholdings or surcharges, or any named fee, action, delay
23 or practice with a similar effect established by law.
24 Where any language in this section is unclear,

1 interpretation of it by any government body should err in
2 favor of preserving the individual right of medical
3 freedom.

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

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

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

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

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

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

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

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(END)