

**DRAFT ONLY  
NOT APPROVED FOR  
INTRODUCTION**

SENATE JOINT RESOLUTION NO. \_\_\_\_\_

Health Care Freedom Amendment.

Sponsored by: Senator(s) Hines

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.

8

9 FINDINGS

10 The Tenth Amendment to The Constitution of the United  
11 States of America provides that "The powers not delegated  
12 to the United States by the Constitution, nor prohibited by  
13 it to the States, are reserved to the States respectively,  
14 or to the people."

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2 The Legislature of the State of Wyoming, acting on behalf  
3 of the State and its people, hereby considers those powers  
4 reserved to the State and the people under the Tenth  
5 Amendment to the United States Constitution. In  
6 considering such powers, the Legislature hereby finds and  
7 concludes that the right to make decisions about an  
8 individual's own health care is not a power delegated to  
9 the United States Government, but rather is a fundamental  
10 right, reserved to the people under the Tenth Amendment to  
11 the Constitution of the United States, and specifically  
12 reserved under Article 7, § 20 of the Wyoming Constitution,  
13 inalienable by any form of government.

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15 Judicial Construction. In the event that this Amendment is  
16 challenged in a court of law, the terms "penalty" or "fine"  
17 include civil or criminal penalties, fines, taxes, salary  
18 or wage withholdings or surcharges, or any named fee,  
19 action, delay or practice with a similar effect established  
20 by law. Where any language in this section is unclear,  
21 interpretation of it by any government body should err in  
22 favor of preserving the individual right of medical  
23 freedom.

1 AMENDMENT

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

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

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14 **Section 1.** The following proposal to amend the  
15 Wyoming Constitution, Article 7 by creating a new Section  
16 24 is proposed for submission to the electors of the State  
17 of Wyoming at the next general election for approval or  
18 rejection to become valid as a part of the Constitution if  
19 ratified by a majority of the electors at the election:

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21 **Article 7, Section 24. Health Care Freedom**

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

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

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

11

12

(END)