S.J. No. 0002  Health care freedom.

Sponsored By:  Senator(s) Nutting, Case, Driskill and Jennings and Representative(s) Brechtel, Gay, Jaggi and Kroeker

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.

12/17/2010  Bill Number Assigned
1/11/2011  S Received for Introduction
1/11/2011  S Introduced and Referred to S01
1/20/2011  S01 Recommended Amend and Do Pass

ROLL CALL
Ayes:  Senator(s) Burns, Hicks and Perkins
Nays:  Senator(s) Christensen and Esquibel, F.
Ayes 3  Nays 2  Excused 0  Absent 0  Conflicts 0
Page 1-line 3  Delete "federal or state".
Page 1-line 12  Delete "7" insert "1"; delete "24" insert "38".
Page 2-line 7  After "All" insert "natural".
Page 2-line 8  After "their own" insert "lawful".
Page 2-line 10 Delete "federal or state".
Page 2-line 13 After "system" insert ", to obtain lawful health care services or penalize any person for non-participation".
Page 2-lines 15 through 19 Delete and insert:
   
   "(c) The right to make decisions regarding lawful health care services is not a power delegated to the United States government, but is a power reserved to the state of Wyoming and its people under the ninth and tenth amendments to the constitution of the United States of America, and specifically reserved under article 7, section 20 of the Wyoming constitution.".
Page 3-line 6  After "necessary" insert "laws,"; after "rules" insert "and regulations".
Page 3-line 14 After "which" insert "lawful".
Page 3-line 21 After "provided" insert "or participation required".
Page 3-line 23 After "compensation" insert "and for prisoners and others in the custody or care of the state or a political subdivision to the standard deemed appropriate and enacted into law by the legislature".
Page 4-line 3 Delete "punishing" insert "prohibiting or imposing penalties or fines against".
Page 4-line 7 Delete "." insert ";".
Page 4-after line 7 Insert and renumber:
   
   "(v) Affect the power of the state of Wyoming to involuntarily commit or hospitalize those who are a danger to themselves or others by reason of mental illness or condition;
   (vi) Affect the power of the state of Wyoming to license and regulate the provision of health care to promote professional competence;
   (vii) Affect the power of the state of Wyoming to protect the public from diseases, epidemics, harmful substances and harmful procedures; or
   (viii) Affect the power of the state of Wyoming 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.
   
   (g) 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 resident 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.".
Page 4-line 9 Delete "(g)" insert "(h)". PERKINS, CHAIRMAN
The right to health care access as defined by the legislature is reserved to the citizens of the state of Wyoming.

All competent adults shall have the right to choose and provide for their own health care and that of their dependent children, and no law or regulation shall:

- Limit the ability of those persons 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;
- 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;
- Subject to the provisions of this section, prohibit or require the purchase of health insurance except as a condition of receiving benefits from the government.

This section does not affect the power of the state of Wyoming to:

- Involuntarily commit or hospitalize those who are a danger to themselves or others by reason of mental illness or condition;
- License and regulate the provision of health care to promote professional competence;
- Protect the public from diseases, epidemics, harmful substances and harmful procedures; or
- Regulate the business of health insurance and other business arrangements that promise payment for health care in the future in return for present payments.

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 resident 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.
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 custody of the state or a political subdivision thereof to the standard deemed appropriate and enacted into law by the legislature.

A JOINT RESOLUTION proposing to amend the Wyoming Constitution by creating a new section providing that the right to make health care decisions is reserved to the citizens of the state of Wyoming, providing for direct payments to healthcare providers, allowing the legislature to establish restrictions and requiring the state of Wyoming to protect healthcare rights from undue governmental infringement.

(a) Each competent adult shall have the right to make his or her own healthcare decisions. The parent, guardian or legal representative of any other natural person shall have the right to make healthcare decisions for that person.

(b) Any person may pay, and a healthcare provider may accept, direct payment for healthcare without imposition of penalties or fines for doing so.

(c) The legislature may determine reasonable and necessary restrictions on the rights granted under this section to protect the health and general welfare of the people and accomplish the purposes set forth in the Wyoming Constitution.

(d) The state of Wyoming shall act to preserve these rights from undue governmental infringement.
In the Perkins Second Reading Amendment (SJ0002S2001/AC) to these lines in subsection (c), delete "and accomplish the" insert "or to accomplish the other".

In the Schiffer Committee of the Whole Amendment (SJ0002SW001/A) to this line, delete "health care access as defined by the legislature" insert "make health care decisions".

Delete the Senate Standing Committee Amendment (SJ0002SS001/AC), the Schiffer Committee of the Whole Amendment (SJ0002SW001/A), the Perkins Second Reading Amendment (SJ0002S2001/AC) and the Perkins Third Reading Amendment (SJ0002S3001/A) entirely and further amend as follows:

Page 1-lines 1 through 5 Delete and insert:
"A JOINT RESOLUTION proposing to amend the Wyoming Constitution by creating a new section providing that the right to choose health care access, as defined by the legislature, is reserved to the citizens of the state of Wyoming.".

Page 1-line 12 Delete "7" insert "1"; delete "24" insert "38".

Page 2-lines 4 through 24 Delete and insert:
"Article 1, Section 38. Right to choose health care access.
The right to choose health care access, as defined by the legislature, is reserved to the citizens of the state of Wyoming.".

Pages 3 and 4 Delete.

Page 5-lines 1 through 14 Delete.

Page 6-lines 1 through 11 Delete and insert:
"The adoption of this amendment will provide that the right to choose health care access, as defined by the legislature, is reserved to the citizens of the state of Wyoming.".

Ayes: Senator(s) Bebout, Burns, Coe, Esquibel, F., Geis, Hastert, Johnson, Nicholas, P., Rothfuss, Schiffer and Von Flatern

Nays: Senator(s) Anderson, Barnard, Case, Christensen, Cooper, Dockstader, Driskill, Emerich, Hicks, Hines, Jennings, Landen, Martin, Meier, Nutting, Perkins, Peterson, Ross and Scott

Ayes 11 Nays 19 Excused 0 Absent 0 Conflicts 0

Delete the Senate Standing Committee Amendment (SJ0002SS001/AC), the Schiffer Committee of the Whole Amendment (SJ0002SW001/A), the Perkins Second Reading Amendment (SJ0002S2001/AC), the Perkins Third Reading Amendment (SJ0002S3001/A) and the Schiffer Third Reading Amendment (SJ0002S3002/A) entirely and further amend as follows:

Page 1-lines 1 through 5 Delete and insert:
"A JOINT RESOLUTION proposing to amend the Wyoming Constitution by creating a new section providing that the right to make health care decisions is reserved to the citizens of the state of Wyoming.".

Page 1-line 12 Delete "7" insert "1"; delete "24" insert "38".

Page 2-lines 4 through 24 Delete and insert:
"Article 1, Section 38. Right to choose health care access.
The right to healthcare independence, including individual healthcare autonomy, open access to services and an unrestricted choice of providers, shall be reserved to the people of Wyoming.

Pages 3 and 4 Delete.
Page 5-lines 2 through 14 Delete.
Page 6-lines 1 through 11 Delete and insert:
"The adoption of this amendment will provide that the right to healthcare independence, including individual healthcare autonomy, open access to services and unrestricted choice of providers, shall be reserved to the people of Wyoming."

ROTHFUSS

ROLL CALL

Ayes: Senator(s) Barnard, Burns, Esquibel, F., Hastert, Hicks, Hines, Martin, Nicholas, P., Rothfuss, Schiffer and Von Flatern.
Nays: Senator(s) Anderson, Bebout, Case, Christensen, Coe, Cooper, Dockstader, Driskill, Emerich, Geis, Jennings, Johnson, Landen, Meier, Nutting, Perkins, Peterson, Ross and Scott

Ayes 11 Nays 19 Excused 0 Absent 0 Conflicts 0

SJ0002S3004/FAILED
Delete the Senate Standing Committee Amendment (SJ0002SS001/AC), the Schiffer Committee of the Whole Amendment (SJ0002SW001/A), the Perkins Second Reading Amendment (SJ0002S2001/AC), the Perkins Third Reading Amendment (SJ0002S3001/A); the Schiffer Third Reading Amendment (SJ0002S3002/A) and the Rothfuss Third Reading Amendment (SJ0002S3003/A) entirely and further amend as follows:

Page 1-lines 1 through 5 Delete and insert:
"A JOINT RESOLUTION proposing to amend the Wyoming Constitution by creating a new section providing that the right to choose health care access, as defined by the legislature, is reserved to the citizens of the state of Wyoming."

Page 1-line 12 Delete "7" insert "1"; delete "24" insert "38".

Page 2-lines 4 through 24 Delete and insert:
"Article 1, Section 38. Right to choose health care access.
The right to choose health care access, as reasonably defined by the legislature, is reserved to the citizens of the state of Wyoming. The state of Wyoming shall act to preserve these rights from undue governmental infringement."

Pages 3 and 4 Delete.
Page 5-lines 1 through 14 Delete.
Page 6-lines 1 through 11 Delete and insert:
"The adoption of this amendment will provide that the right to choose health care access, as defined by the legislature, is reserved to the citizens of the state of Wyoming and that the state of Wyoming shall act to preserve these rights from undue governmental infringement."

ROTHFUSS

ROLL CALL

Ayes: Senator(s) Burns, Hicks, Meier and Schiffer
Nays: Senator(s) Anderson, Barnard, Bebout, Case, Christensen, Coe, Cooper, Dockstader, Driskill, Emerich, Esquibel, F., Geis, Hastert, Hines, Jennings, Johnson, Landen, Martin, Nicholas, P., Nutting, Perkins, Peterson, Ross, Rothfuss, Scott and Von Flatern

Ayes 4 Nays 26 Excused 0 Absent 0 Conflicts 0

2/1/2011 S Passed 3rd Reading
ROLL CALL
Ayes: Senator(s) Anderson, Barnard, Bebout, Burns, Case, Coe, Cooper, Docktader, Driskill, Geis, Hicks, Hines, Jennings, Johnson, Landen, Martin, Meier, Nutting, Perkins, Peterson, Ross, Schiffer and Scott
Nays: Senator(s) Christensen, Emerich, Esquibel, F., Hastert, Nicholas, F., Rothfuss and Von Flatern
Ayes 23 Nays 7 Excused 0 Absent 0 Conflicts 0

2/2/2011 H Received for Introduction
2/3/2011 H Introduced and Referred to H01
2/8/2011 H01 Recommended Do Pass

ROLL CALL
Ayes: Representative(s) Brechtel, Brown, Cannady, Krone and Peasley
Nays: Representative(s) Barbuto, Greene, Nicholas, B. and Throne
Ayes 5 Nays 4 Excused 0 Absent 0 Conflicts 0

2/8/2011 H Placed on General File
2/11/2011 H Passed COW

SJ0002H2001/ADOPTED (TO ENGROSSED COPY)
Page 2-line 9 After "." delete balance of the line.
Page 2-lines 10 through 12 Delete entirely. THORNE

2/14/2011 H Passed 2nd Reading

SJ0002H3001/ADOPTED (TO ENGROSSED COPY)
Delete the Throne second reading amendment (SJ0002H2001/AE) entirely.
EDMONDS, BUCHANAN

SJ0002H3002/FAILED (TO ENGROSSED COPY)
Page 3-line 1 Delete "shall" insert "may".
Page 3-line 14 Delete "shall" insert "may". ZWONITZER, DV.

2/15/2011 H Passed 3rd Reading

ROLL CALL
Ayes: Representative(s) Berger, Blikre, Bonner, Botten, Brechtel, Brown, Buchanan, Burkhart, Campbell, Cannady, Childers, Davison, Edmonds, Eklund, Gay, Gingery, Greear, Harshman, Harvey, Hunt, Iilloway, Jaggi, Kasperik, Kroecker, Krone, Lockhart, Loucks, Lubnau, Madden, McKim, McOmie, Miller, Moniz, Nicholas, B., Patton, Peasley, Pederson, Petersen, Quarberg, Roscoe, Semlek, Shepperson, Steward, Stubson, Teeters, Vranish, Wallis, Zwonitzer, Dn. and Zwonitzer, Dv.
Nays: Representative(s) Barbuto, Blake, Byrd, Connolly, Craft, Esquibel, K., Freeman, Goggles, Greene, Petroff and Throne
Ayes 49 Nays 11 Excused 0 Absent 0 Conflicts 0

2/15/2011 Assigned Number SEJR No. 0002
2/16/2011 S President Signed SEJR No. 0002
2/16/2011 H Speaker Signed SEJR No. 0002
2/19/2011 Governor Signed SEJR No. 0002