

*Proposed Initiative
2007-2008
#85*

Please accept the following as our initial draft to be considered as a ballot initiative in the 2008 election cycle.

Those people submitting this proposed initiative are:

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APR 04 2008

ELECTIONS

SECRETARY OF STATE

*DBB
2:53 p.m.*

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1 Be it Enacted by the People of the State of Colorado:
2

3 THE CONSTITUTION OF THE STATE OF COLORADO IS AMENDED BY THE
4 ADDITION OF A NEW SECTION to read:
5

6 **SECTION 33. CONSUMER CHOICE PROTECTION.** (1)(a) BASED UPON A
7 COMPREHENSIVE REPORT BY THE NATIONAL INSTITUTE OF MEDICINE
8 AND OTHER STUDIES, INCLUDING A STUDY PUBLISHED BY THE NEW
9 ENGLAND JOURNAL OF MEDICINE, IT IS EVIDENT THAT APPROXIMATELY
10 SIXTY-TWO PERCENT OF COLORADANS, MORE THAN ONE MILLION FIVE
11 HUNDRED THOUSAND, ARE PRESENTLY RECEIVING A SUBSTANTIAL
12 VOLUME OF HEALTH CARE SERVICES FROM COMPLEMENTARY AND
13 ALTERNATIVE HEALTH CARE PRACTITIONERS. THE STUDIES FURTHER
14 INDICATE THAT INDIVIDUALS USING COMPLEMENTARY AND
15 ALTERNATIVE HEALTH CARE SERVICES ENCOMPASS A WIDE VARIETY OF
16 AGE, ETHNIC, SOCIOECONOMIC, AND OTHER DEMOGRAPHIC
17 CATEGORIES.
18

19 (b) MANY HEALING AND HEALTH CARE PRACTICES ARE A NORMAL AND
20 NECESSARY PART OF SOCIAL BEHAVIOR AND ARE INHERENT RIGHTS AND
21 ARE NOT DANGEROUS AND SHOULD NOT BE CONSIDERED PRIVILEGES TO
22 BE DOLED OUT BY A GOVERNMENT. THE CONCEPT OF HEALING, AS A
23 RIGHT OF ALL PEOPLE SHOULD BE PRESERVED. AN EXAMPLE OF
24 PRACTITIONERS PERFORMING HEALING ARTS WOULD BE: A PERSON
25 ENGAGED IN TRADITIONAL, CULTURAL, COMPLEMENTARY, OR
26 ALTERNATIVE HEALTH CARE UTILIZING BUT NOT LIMITED TO LIFESTYLE
27 COUNSELING, NUTRITION AND OTHER NATURAL FORMS OF HEALING.
28

29 c) NOTWITHSTANDING THE WIDESPREAD UTILIZATION OF THESE HEALTH
30 CARE AND HEALING ARTS SERVICES BY RESIDENTS OF COLORADO, THE
31 PROVISION OF SUCH SERVICES IN MANY CIRCUMSTANCES MAY BE
32 INTERPRETED AS BEING ILLEGAL IN THE STATE OF COLORADO AS A
33 VIOLATION OF PROFESSIONAL PRACTICE ACTS GOVERNING HEALTH
34 CARE PRACTITIONERS. AS A RESULT, A PROVIDER OF HEALING ARTS
35 WHO IS NOT LICENSED, CERTIFIED, OR REGISTERED BY THIS STATE AS A
36 HEALTH CARE PRACTITIONER UNDER AN OCCUPATIONAL BOARD OR
37 UNDER THE DIVISION OF REGISTRATIONS COULD BE SUBJECT TO FINES,
38 PENALTIES AND RESTRICTION OF HIS OR HER PRACTICE, ALTHOUGH HIS
39 OR HER PRACTICE DOES NOT POSE AN IMMINENT AND DISCERNIBLE RISK
40 OF SIGNIFICANT HARM TO THE PUBLIC'S HEALTH AND SAFETY.
41

42 (d) BECAUSE THE PEOPLE OF THE STATE OF COLORADO RECOGNIZES THE
43 FREEDOM OF CONSUMERS TO USE HEALTH CARE PRACTITIONERS THAT
44 ARE NOT LICENSED, CERTIFIED, OR REGISTERED BY THE STATE AS AN
45 OPTION FOR CONSUMERS, IN ORDER TO PROTECT THOSE OPTIONS AND IN
46 CONSIDERATION OF THE PUBLIC'S HEALTH AND WELFARE, THE CITIZENS

47 OF COLORADO HEREBY CLAIM THIS CONSTITUTIONAL AMENDMENT TO
48 REMOVE TECHNICAL BARRIERS THAT IMPEDE THE PUBLIC'S ACCESS TO
49 UNREGULATED PRACTITIONERS.

50

51 (e) BE IT FURTHER KNOWN THAT NO BILL, ACT OR RESOLUTION MAY BE
52 PASSED INTO LAW TO LIMIT THE PUBLIC'S CONSTITUTIONAL AND GOD
53 GIVEN RIGHT TO OBTAIN COMPLEMENTARY AND ALTERNATIVE HEALTH
54 CARE BY IMPOSING GOVERNMENTAL OVERSIGHT OF COMPLEMENTARY
55 AND ALTERNATIVE HEALTH CARE PRACTITIONERS.

56

57 (2) AS USED IN THIS SECTION:

58

59 (a) "ALTERNATIVE AND COMPLEMENTARY HEALTH CARE
60 PRACTITIONERS " MEANS THOSE PERSONS PRACTICING NORMAL
61 AND NATURAL HEALING ACTS WHICH SUPPORT AND STIMULATE A
62 PERSON'S INHERENT SELF-HEALING PROCESS AND DOES NOT
63 INCLUDE, SURGERIES, PUNCTURING OF THE SKIN OR PRESCRIBING
64 LEGEND DRUGS WHICH ARE CONSIDERED ALLOPATHIC MEDICINE,
65 NOR DOES IT INCLUDE CHIROPRACTIC ADJUSTMENTS.

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