

RECEIVED *Amended*

FEB 18 2010

ELECTIONS
SECRETARY OF STATE

*12/23/09 #240
Jum*

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

Article II of the Constitution of the State of Colorado is amended BY THE ADDITION OF A NEW SECTION ~~TO READ~~ to read:

Section 32. Right to health care choice.

____(1) ALL PERSONS SHALL HAVE THE RIGHT ~~of~~ TO HEALTH CARE CHOICE. NO STATUTE, REGULATION, RESOLUTION, CONTRACT, OR POLICY ADOPTED OR ENFORCED BY THE STATE OF COLORADO, ITS DEPARTMENTS AND AGENCIES, INDEPENDENTLY OR AT THE INSTANCE OF THE UNITED STATES SHALL ~~require~~:

____(a) REQUIRE ANY PERSON DIRECTLY OR INDIRECTLY TO PARTICIPATE IN ANY PUBLIC OR PRIVATE HEALTH INSURANCE PLAN, HEALTH COVERAGE PLAN, HEALTH BENEFIT PLAN ~~or system, deny, OR SIMILAR PLAN; OR~~

____(b) DENY, RESTRICT, OR PENALIZE THE RIGHT OR ABILITY OF ANY PERSON TO MAKE OR RECEIVE DIRECT PAYMENTS FOR LAWFUL HEALTH benefitCARE SERVICES; ~~nor deny, restrict or penalize the right of any person to purchase and use health insurance products or other health benefit plans or systems legal for sale in any other state where such plans or systems are duly licensed or otherwise qualified and in good standing in the provider's home state.~~

____(2) THIS SECTION SHALL NOT APPLY TO, AFFECT, OR PROHIBIT: (A) ~~EMERGENCY services~~ MEDICAL TREATMENT REQUIRED BY LAW TO BE PROVIDED OR PERFORMED BY HOSPITALS, HEALTH FACILITIES, OR OTHER HEALTH practitioners CARE PROVIDERS; OR (B) HEALTH BENEFITS PROVIDED IN CONNECTION WITH ~~worker's~~ WORKERS' COMPENSATION OR ~~other~~ SIMILAR INSURANCE.

____(3) "LAWFUL HEALTH CARE SERVICES" MEANS ANY SERVICE OR TREATMENT PERMITTED OR NOT PROHIBITED BY ANY PROVISION OF LAW.

____(4) THIS SECTION IS INTENDED TO REFLECT AND AFFIRM THE POWERS RESERVED TO THE STATE BY ~~Article~~ U.S. CONST., amend. X ~~of the Constitution of the United States,~~ AND TO IMPLEMENT THE POWERS RESERVED TO THE PEOPLE BY SECTION 1 OF ARTICLE V OF the THIS CONSTITUTION ~~of the State of Colorado.~~

____(5) THIS SECTION SHALL BECOME EFFECTIVE UPON PROCLAMATION BY THE GOVERNOR, SHALL BE SELF IMPLEMENTING IN ALL RESPECTS, AND SHALL SUPERSEDE ANY PROVISION TO THE CONTRARY IN THE CONSTITUTION OF THE STATE OF COLORADO OR ANY OTHER PROVISION OF LAW.

_____ (6) IF ANY PROVISION OF THIS SECTION OR THE APPLICATION THEREOF TO ANY PERSON, ENTITY, OR CIRCUMSTANCES IS HELD INVALID, SUCH INVALIDITY SHALL NOT AFFECT OTHER PROVISIONS OR APPLICATIONS OF THIS SECTION ~~which~~THAT CAN BE GIVEN EFFECT WITHOUT THE INVALID PROVISION OR APPLICATION, AND TO THIS END THE PROVISIONS OF THIS SECTION ARE DECLARED SEVERABLE.