

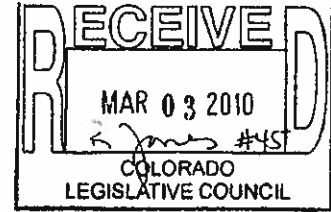
Original No  
Changes Made  
#45

RECEIVED

MAR 05 2010

Colorado Secretary of State

11:22 p.m.  
kn



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:

**Section 32. Right to health care choice.**

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

(a) REQUIRE ANY PERSON DIRECTLY OR INDIRECTLY TO PARTICIPATE IN ANY PUBLIC OR PRIVATE HEALTH INSURANCE PLAN, HEALTH COVERAGE PLAN, HEALTH BENEFIT PLAN, 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 CARE SERVICES.

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

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

(4) THIS SECTION IS INTENDED TO REFLECT AND AFFIRM THE POWERS RESERVED TO THE STATE BY U.S. CONST., amend. X, AND TO IMPLEMENT THE POWERS RESERVED TO THE PEOPLE BY SECTION 1 OF ARTICLE V OF THIS CONSTITUTION.

(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 THAT CAN BE GIVEN EFFECT WITHOUT THE INVALID PROVISION OR APPLICATION, AND TO THIS END THE PROVISIONS OF THIS SECTION ARE DECLARED SEVERABLE.

Jon Caldara

13952 Denver West Parkway, Ste 400

Golden, CO 80401

Linda Gorman

5479 S. Locust Street

Englewood, CO 80111

# STATE OF COLORADO

## Colorado General Assembly

Mike Mauer, Director  
Legislative Council Staff

Colorado Legislative Council  
029 State Capitol Building  
Denver, Colorado 80203-1784  
Telephone (303) 866-3521  
Facsimile (303) 866-3855  
TDD (303) 866-3472  
E-Mail: lcs.ga@state.co.us



Charles W. Pike, Director  
Office of Legislative Legal Services

Office Of Legislative Legal Services  
091 State Capitol Building  
Denver, Colorado 80203-1782  
Telephone (303) 866-2045  
Facsimile (303) 866-4157  
E-Mail: olls.ga@state.co.us

March 4, 2010

Jon Caldara  
13952 Denver West Parkway, Suite 400  
Golden, CO 80401

Linda Gorman  
5479 S. Locust Street  
Englewood, CO 80111

**RECEIVED**  
**MAR 05 2010**  
Ch. via email 1:42pm  
Km  
Colorado Secretary of State

Re: Proposed Initiative Measure 2009-2010 #45

Dear Mr. Caldara and Ms. Gorman,

Pursuant to section 1-40-105 (2), C.R.S., we hereby notify you that the above proposed measure does not raise any additional comments from our offices that have not been raised in earlier memoranda or hearings on your proposed measures on this topic. Section 1-40-105 (2), C.R.S., provides in part:

**1-40-105. Filing procedure - review and comment - amendments - filing with secretary of state.** (2) . . . If the directors have no additional comments concerning the amended petition, they may so notify the proponents in writing, and, in such case, a hearing on the amended petition pursuant to subsection (1) of this section is not required.

Rule 12 of the *Rules for Staff of Legislative Council and Office of Legislative Legal Services: Review and Comment Filings*, adopted by the Legislative Council on September 6, 2000, requires that such determination and notification be made no later than 72 hours after the filing. Your measure was received by our office on March 3, 2010.

This letter serves as the written notice required by section 1-40-105 (2), C.R.S. It is our understanding that pursuant to that section, no review and comment hearing pursuant to section 1-40-105 (1), C.R.S., is required.

Very truly yours,

Charles W. Pike, Director  
Office of Legislative Legal Services

Mike Mauer, Director  
Legislative Council