

**Amendment 63
Health Care Choice**

1 **Ballot Title:** An amendment to the Colorado constitution concerning the right of all
2 persons to health care choice, and, in connection therewith, prohibiting the state
3 independently or at the instance of the United States from adopting or enforcing any
4 statute, regulation, resolution, or policy that requires a person to participate in a public
5 or private health insurance or coverage plan or that denies, restricts, or penalizes the
6 right or ability of a person to make or receive direct payments for lawful health care
7 services; and exempting from the effects of the amendment emergency medical
8 treatment required to be provided by hospitals, health facilities, and health care
9 providers or health benefits provided under workers' compensation or similar insurance.

10 **Text of Proposal:**

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

12 Article II of the Constitution of the State of Colorado is amended BY THE ADDITION
13 OF A NEW SECTION to read:

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

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

19 (a) REQUIRE ANY PERSON DIRECTLY OR INDIRECTLY TO PARTICIPATE IN ANY
20 PUBLIC OR PRIVATE HEALTH INSURANCE PLAN, HEALTH COVERAGE PLAN, HEALTH
21 BENEFIT PLAN, OR SIMILAR PLAN; OR

22 (b) DENY, RESTRICT, OR PENALIZE THE RIGHT OR ABILITY OF ANY PERSON TO
23 MAKE OR RECEIVE DIRECT PAYMENTS FOR LAWFUL HEALTH CARE SERVICES.

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

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

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

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

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