



2005 ASSEMBLY JOINT RESOLUTION 93

March 14, 2006 - Introduced by Representative KREUSER. Referred to Committee on Health.

- 1 **To create** section 27 of article I of the constitution; **relating to:** the right of the
2 people to certain health care (first consideration).

Analysis by the Legislative Reference Bureau

This proposed constitutional amendment, proposed to the 2005 legislature on first consideration, provides that the people have the right to:

1. Create and have enforced advance directives, including declarations to physicians, do-not-resuscitate orders, and powers of attorney for health care.

2. Be free of governmental interference in an end-of-life decision made for an incapacitated principal by his or her health care agent under a power of attorney for health care or made by a guardian for his or her ward who is in a persistent vegetative state or is terminally ill and unable to evaluate information or communicate decisions.

3. Purchase, or purchase coverage for, all drugs, drug products, and devices for which a lawful prescription has been issued and all lawful drugs, drug products, and devices for which a prescription is not required. An individual who is authorized by law to prescribe drugs, drug products, or devices or an individual who is authorized by law to dispense drugs, drug products, or devices may not fail or refuse to do so on the basis of religious or moral belief.

4. Pursue all stem cell research and access the benefits of all derived therapies with the exception of human reproductive cloning.

A proposed constitutional amendment requires adoption by two successive legislatures, and ratification by the people, before it can become effective.

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- 3 **Resolved by the assembly, the senate concurring, That:**

1 **SECTION 1.** Section 27 of article I of the constitution is created to read:

2 [Article I] Section 27. The people have the right to:

3 (1) Create and have enforced advance directives, including declarations to
4 physicians, do-not-resuscitate orders, and powers of attorney for health care.

5 (2) Be free of governmental interference in an end-of-life decision made for an
6 incapacitated principal by his or her health care agent under a power of attorney for
7 health care or made by a guardian for his or her ward who is in a persistent vegetative
8 state or is terminally ill and unable to evaluate information or communicate
9 decisions.

10 (3) Purchase, or purchase coverage for, all drugs, drug products, and devices for
11 which a lawful prescription has been issued and all lawful drugs, drug products, and
12 devices for which a prescription is not required. An individual who is authorized by
13 law to prescribe drugs, drug products, or devices or an individual who is authorized
14 by law to dispense drugs, drug products, or devices may not fail or refuse to do so on
15 the basis of religious or moral belief.

16 (4) Pursue all stem cell research and access the benefits of all derived therapies
17 with the exception of human reproductive cloning.

18 **SECTION 2. Numbering of new provision.** The new section 27 of article I of
19 the constitution created in this joint resolution shall be designated by the next higher
20 open whole section number in that article if, before the ratification by the people of
21 the amendment proposed in this joint resolution, any other ratified amendment has
22 created a section 27 of article I of the constitution of this state. If one or more joint
23 resolutions create a section 27 of article I simultaneously with the ratification by the
24 people of the amendment proposed in this joint resolution, the sections created shall
25 be numbered and placed in a sequence so that the sections created by the joint

1 resolution having the lowest enrolled joint resolution number have the numbers
2 designated in that joint resolution and the sections created by the other joint
3 resolutions have numbers that are in the same ascending order as are the numbers
4 of the enrolled joint resolutions creating the sections.

5 ***Be it further resolved, That*** this proposed amendment be referred to the
6 legislature to be chosen at the next general election and that it be published for 3
7 months previous to the time of holding such election.

8 (END)