

PROPOSED INITIATIVE MEASURE 2015 – 2016 # 91, MEDICAL AID IN DYING. (PREFERRED TITLE: “LIBERTY AT LIFE’S END”)

A PROPOSAL TO AMEND THE STATE CONSTITUTION.

BE IT ENACTED BY THE PEOPLE OF THE STATE OF COLORADO:

SECTION 1. In the Constitution of the State of Colorado, add Section 28A to Article II as follows::

SECTION 28A. MEDICAL AID IN DYING. (1) FOUNDING CONCEPTS OF GOVERNMENT. THE PEOPLE OF COLORADO AFFIRM THAT:

(a) BOTH THE DECLARATION OF INDEPENDENCE AND THE CONSTITUTION OF THE STATE OF COLORADO PROCLAIM THAT CERTAIN INALIENABLE RIGHTS SUCH AS LIFE, LIBERTY AND THE PURSUIT OF HAPPINESS ARE SO FUNDAMENTAL AS TO BE SELF-EVIDENT AND TO BELONG TO THE INDIVIDUAL BY NATURAL ENDOWMENT;

(b) HISTORY RECORDS SHOW THAT THE FOUNDERS OF THE UNITED STATES OF AMERICA BELIEVED THAT:

(I) ALL RIGHTS, NOT JUST THE NAMED RIGHTS, DERIVE FROM, AND ABIDE IN THE PEOPLE;

(II) THE PEOPLE ARE SOVEREIGN AND THE SOURCE OF ALL LEGITIMATE POLITICAL POWER.

(2) CHARACTERISTICS OF MODERN MEDICINE. (a) THE PEOPLE OF COLORADO HEREBY FIND THAT:

(I) RECENT ADVANCES IN MEDICAL SCIENCE ARE PRODUCING STARK CONTRASTS IN LIFE EXPERIENCE BETWEEN THE BEST AND WORST RESPONDING CONDITIONS, RANGING FROM OUTRIGHT CURES FOR SOME CONDITIONS TO SEEMINGLY POINTLESS ELONGATION OF THE DYING PROCESS IN OTHERS;

(II) AS IMPROVED AS THE BEST RESULTS ARE, MORTALITY HAS NOT BEEN CURED AND DEATH IS STILL AN INEVITABILITY THAT MUST BE FACED ON A PERSONAL LEVEL.

(3) PHILOSOPHICAL AND LEGAL CONFLICT. (A) THE PEOPLE OF COLORADO ALSO FIND THAT MANY COLORADANS ARE SURPRISED TO LEARN:

(I) THAT COLORADO LAW PREVENTS A CITIZEN-SOVEREIGN ACCESS TO PRESCRIPTION DRUGS THAT WOULD GIVE HIM OR HER A PEACEFUL DEATH;

(II) THAT LAWS CRIMINALIZING AS ASSISTED SUICIDE THE ACTIONS OF THOSE HELPING A CITIZEN-SOVEREIGN EXERCISE HIS OR HER NATURAL RIGHT TO SELF-DETERMINATION EXIST BECAUSE SOME ACTIVISTS AND SPECIAL INTEREST GROUPS OBJECT TO THE CONCEPT OF TRUE PERSONAL FREEDOM ON RELIGIOUS AND METAPHYSICAL GROUNDS.

(b) MANY COLORADANS BELIEVE THAT LAWS THAT EFFECTIVELY LIMIT THEIR RESPONSE TO IMPENDING DEATH TO ONLY FIGHTING ON UNTIL ALL POSSIBLE TREATMENTS HAVE FAILED OR EASING INTO DEATH BY WITHHOLDING MEDICAL TREATMENT OR REFUSING TO EAT OR DRINK ARE UNACCEPTABLE GOVERNMENT USURPATIONS OF THE RIGHT TO SELF-DETERMINATION.

(4) RIGHTS OF CITIZEN-SOVEREIGNS. (a) THE PEOPLE OF COLORADO HEREBY DECLARE THAT ALL MENTALLY COMPETENT ADULTS IN COLORADO ARE CITIZEN-SOVEREIGNS, PERSONALLY RESPONSIBLE FOR THE MANAGEMENT OF THEIR PRIVATE AFFAIRS, INCLUDING MEDICAL DECISIONS, WITH NO PERMISSION REQUIRED FROM ANY PERSON, GOVERNMENTAL BODY OR RELIGIOUS ORGANIZATION.

(b) CITIZEN-SOVEREIGNS HAVE THE INALIENABLE RIGHT OF THE LIBERTY AT LIFE'S END TO SET THE TIME AND TONE OF THEIR OWN DEATH BY OBTAINING A MEDICAL PROFESSIONAL'S ASSISTANCE IN ACHIEVING A PEACEFUL DEATH THROUGH THE CAREFUL ADMINISTRATION OF A MEDICAL PROTOCOL.

(c) THE PEOPLE OF COLORADO HEREBY ADDITIONALLY DECLARE THAT ANY PERSON, GROUP, OR MEDICAL PROFESSIONAL ASSISTING A CITIZEN-SOVEREIGN TO SECURE MAID SHALL HAVE IMMUNITY FROM CRIMINAL PROSECUTION, CIVIL LIABILITY, AND PROFESSIONAL DISCIPLINE UPON PRESENTATION OF ACCEPTABLE DOCUMENTATION SUPPORTING THE CLAIM THAT THE REQUEST FOR, AND THE RENDERING AND UTILIZATION OF, MAID IS VOLUNTARY ON THE PART OF ALL INVOLVED IN ADMINISTERING, OR SUPPORTING THE ADMINISTERING OF, MAID.

(5). CONDITIONAL, TIME DEFERRED, MAID. (a) THE CITIZEN-SOVEREIGN'S RIGHT TO OBTAIN MAID IS NOT LIMITED TO THE MAINTENANCE OF MENTAL COMPETENCY ONLY, BUT CAN BE DURABLE INTO INCOMPETENCY IF DESIRED BY THE CITIZEN-SOVEREIGN AND SUPPORTED BY WRITTEN DOCUMENTATION OF THE CONDITIONS AND TERMS OF THE CONDITIONAL MAID AGREEMENT.

(b) A CITIZEN-SOVEREIGN CAN, AT ANY POINT IN TIME, ENTER INTO A CONDITIONAL MAID AGREEMENT TO RECEIVE MAID AT SOME FUTURE DATE WHEN THE PREDETERMINED CONDITIONS ARE MET, EVEN THOUGH THE CITIZEN-SOVEREIGN COULD, AT THAT POINT IN THE FUTURE, NO LONGER BE MENTALLY COMPETENT.

(c) PARTICIPATION IN MAID AND CONDITIONAL MAID IS ALWAYS VOLUNTARY. AGREEMENT TO PARTICIPATE IN THE MAID PROTOCOL CAN BE WITHDRAWN AT ANY TIME BY ANY CITIZEN-SOVEREIGN INVOLVED.

(6). DEFINITIONS. AS USED IN THIS SECTION:

(a) "ACCEPTABLE DOCUMENTATION" MEANS ARTIFACTS, SUCH AS, BUT NOT LIMITED TO, WRITTEN DOCUMENTS OR VIDEO AND AUDIO RECORDINGS THAT ARE PRESENTED TO SUPPORT THE CLAIM THAT THE CITIZEN-SOVEREIGN VOLUNTARILY REQUESTED MAID OR CONDITIONAL MAID.

(b) "ADULT" MEANS A PERSON EIGHTEEN (18) YEARS OF AGE OR OLDER.

(c) "CITIZEN-SOVEREIGN" MEANS A MENTALLY COMPETENT, ADULT, LAWFUL RESIDENT OF THE UNITED STATES OF AMERICA.

(d) "CONDITIONAL MAID" MEANS MAID THAT IS ACTIVATED THROUGH AN AGREEMENT DESIGNED TO GO INTO EFFECT WHEN THE "CONDITIONS" SPECIFIED THEREIN ARE MET. THE DETAILS OF THE AGREEMENT WILL BE DEVELOPED BETWEEN THE CITIZEN-SOVEREIGN WHO IS ANTICIPATING LOSING MENTAL COMPETENCY IN THE FUTURE AND DESIRES TO RECEIVE MAID AFTER HE OR SHE REACHES THAT POINT OF MENTAL INCOMPETENCY DESCRIBED IN THE AGREEMENT AND THE MEDICAL PROFESSIONAL WHO IS VOLUNTEERING TO PROVIDE THE MAID DESIRED AT THAT FUTURE TIME. THE MEDICAL PROFESSIONAL CAN WITHDRAW FROM THE AGREEMENT AT ANY TIME, BUT THE AGREEMENT MUST DETAIL HOW THE PARTIES TO THE AGREEMENT PLAN TO ALLOW THE MEDICAL PROFESSIONAL TO BE ABLE TO WITHDRAW FROM THE AGREEMENT WHILE STILL GUARANTEEING A PEACEFUL DEATH FOR THE CITIZEN-SOVEREIGN.

(e) "IMMUNITY" MEANS FREEDOM FROM PENALTIES, PAYMENTS, OR LEGAL REQUIREMENTS THAT COULD ARISE FROM ADMINISTERING MAID OR CONDITIONAL MAID. UNDER THE PROVISIONS OF THIS SECTION, MAID AND CONDITIONAL MAID ARE NOT SUICIDE OR ASSISTEDSUICIDE.

(f) "MAID" IS "MEDICAL AID IN DYING" AND MEANS HELPING A CITIZEN-SOVEREIGN WHO HAS AN INCURABLE, LIFE-LIMITING MEDICAL CONDITION, SUCCEED IN THE VOLUNTARY PURSUIT OF ACHIEVING A PEACEFUL DEATH. THE TERM "MEDICAL AID IN DYING" REFERS TO THE APPLICATION OF, AND TO THE SUPPORT OF THE APPLICATION OF, A MEDICAL PROTOCOL THAT IS LETHAL. IT DOES NOT INCLUDE NON-MEDICAL ACTIONS SUCH AS HANGING OR ASPHYXIATION AND MUST BE SUPERVISED BY A MEDICALPROFESSIONAL.

(g) "MEDICAL PROFESSIONAL" MEANS A PERSON WHO, PURSUANT TO A LICENSE, CERTIFICATION, REGISTRATION, OR OTHER AUTHORITY GRANTED IN STATE LAW, IS AUTHORIZED TO ADMINISTER HEALTH CARE OR DISPENSE MEDICATION IN THE ORDINARY COURSE OF BUSINESS OR PRACTICE OF A PROFESSION. THE TERM MAY INCLUDE A HEALTH CARE FACILITY.

(h) "MENTAL COMPETENCY" APPLIES TO ANY ADULT IN COLORADO WHO POSSESS THE NECESSARY AND SUFFICIENT DECISIONAL ABILITY TO BE RESPONSIBLE FOR HIS OR HER OWN DECISIONS AND ACTIONS REGARDING MEDICAL CARE AND TREATMENT.

(i) "VOLUNTARY" MEANS PROCEEDING, OR ACTING, OR DONE OF ONE'S OWN FREE WILL AND CONSENT, UNINTIMIDATED BY COERCION OR COMPULSION FROM OTHERS.

(6) LEGISLATION. THIS AMENDMENT IS COMPLETE AS WRITTEN, BUT LEGISLATION MAY BE ENACTED TO CLARIFY THE DEFINITION OF THE DOCUMENTATION REQUIRED BY THIS SECTION. HOWEVER, SAID CLARIFICATION OF DOCUMENTATION SHALL IN NO WAY LIMIT OR RESTRICT THE PROVISIONS OF THIS SECTION OR THE POWERS HEREIN GRANTED.

DESIGNATED REPRESENTATIVES

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