

Based in Part on Research Supported by THE GILO FAMILY FOUNDATION 2002 and studies by NHFC 2004

DECLARATION OF HEALTH FREEDOM

PREAMBLE

Considering, Recognizing, and Affirming:

That all human beings are born free and equal in dignity and rights;ⁱ

That people came together to form the United States in order to promote their general welfare and to secure the blessings of liberty for themselves;ⁱⁱ

That Americans hold these truths to be self-evident, that all people are created equal, that they are endowed by their Creator with certain unalienable Rights, that among these are Life, Liberty and the pursuit of happiness.ⁱⁱⁱ

That all people, including children, have the right to the highest attainable standard of physical and mental health;^{iv}

That every person has a fundamental right of privacy and self-determination and that the right to make personal choices in pursuit of healing, health, and well-being is encompassed in that right^v. It is the individual that holds the right to ultimately decide whether to obtain or reject health treatments or whether a treatment or practitioner has been or is likely to be beneficial in helping to reach that individual's goals for healing, health, and overall well being;

That in order to fully exercise the fundamental right of privacy and self-determination, access to health care practitioners, treatments, services, and truthful information sources must be protected;

That in order to protect these fundamental rights in America, any law that impacts these rights must be held to the highest standard of strict scrutiny and must demonstrate that the law serves a compelling state interest and is fashioned in the least restrictive means possible to achieve the goal.;

That there exists nation-wide and world-wide diverse healing arts theories, practices, treatments, substances, and modalities that are utilized by practitioners and that are deemed by the people to contribute to their health and well-being, whether by one person or by many;

That government has a limited and useful role in American society, which includes in some instances the people's delegation of authority to government, requesting its assistance in matters that have been shown by clear and convincing evidence to pose an imminent and discernable risk of significant direct harm to the public.

That the government's limited role in society does not include the possibility of a delegation of authority to regulate or oversee resources, substances, or healing arts practitioners used for health care purposes, or the

ⁱ Universal Declaration of Human Rights, pmbl, G.A. Res. 217 A (III). U.N. GAOR. U.N. Doc. A/810 (Dec. 10, 1948) 71. The U.S. was among the adopting member States.

ⁱⁱ U.S. CONST. Preamble.

ⁱⁱⁱ Declaration of Independence, In Congress July 4, 1776.

^{iv} International Covenant on Economic, Social and Cultural Rights, art. 12(1), G.A. Res. 2200A(XXI), 21 U.N. GAOR Supp. (No. 16) at 49, U.N. Doc. A/6316 (1966), 993 U.N.T.S. 3, entered into force Jan. 3, 1976, Signed by the U.S. Oct. 5, 1977; Convention on the Rights of the Child, art. 24(1), G.A. Res. 44/25, Annex 44, U.N. GAOR, Supp. No. 49, at 167, U.N. Doc. A/RES/44/49 (Nov. 20, 1989), 28 I.L.M. 1448, entered into force Sept. 2, 1990. Signed by the U.S. Feb. 16, 1995.

^v Andrew v. Ballard 498 f.Supp.1038, 1052.

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authority to inhibit any access to these resources, substances, and practitioners, unless the government has shown by clear and convincing evidence, that the lack of a particular regulation would pose an imminent and discernable risk of significant direct harm to the public.

That the World Health Organization (WHO) acknowledges the extensive use of traditional and alternative health care practices in the developed world, and affirms the value and benefits of the traditional healers and health care practices used in developing countries;^{vi}

That in a report dated 1997, over 42% of Americans were using unconventional therapies including but not limited to herbal medicine, massage, megavitamins, self-help groups, folk remedies, energy healing, and homeopathy;^{vii}

That choices in health care are being consistently challenged and eliminated by overly restrictive laws and regulations that prohibit certain types of health care practitioners from practicing, and restrict the public's use of certain products and devices used for health care purposes, even when there is no showing of significant harm to the public and even when statements made by manufacturers and practitioners have been truthful; and

That there are new and less restrictive models of law and public policy available which protect diversity and reshape and reform healthcare law and public policy to reflect health freedom, and that allow governments to accomplish their goals at the same time recognizing and protecting free access to the products and practitioners that individuals want to choose^{viii}.

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We Therefore Declare That:

All public policy and laws affecting resources, substances or practitioners used for health care purposes must be drafted only under the highest form of strict scrutiny in order to forever protect the sovereign nature and inherent dignity of the individual and the fundamental right of privacy and self-determination of the individual to make health care and survival choices. These laws must only be drafted in response to a necessary and compelling governmental interest, narrowly drawn in the least restrictive manner possible to accomplish the proven interest. Current laws and public policy must be immediately reformed to include these protections, eliminating all barriers to truthful health care information, services, treatments and products, that the people deem beneficial for their healing and overall health and well being and survival.

^{vi} WHO FACT SHEET (No. 134), *Traditional Medicine*, (Sept. 1996).]

^{vii} David M. Eisenberg et al., *Trends in Alternative Medicine Use in the United States, 1990-1997: Results of a Follow-up National Survey*, 280 JAMA, 1569 (Nov. 11, 1998).

^{viii} National Health Freedom Coalition, Legal and Public Policy Director, Library of Models Passed and Models in Progress at the Legislature 2004.