

Section II

Defeating State Legislation that Negatively Impacts Health Freedom

BACKGROUND and PROBLEM

Every year hundreds of bills are introduced into state legislatures across the country that negatively impact consumer access to natural health care options. For example: In 2004 in Texas alone, five different bills (three in the House and two in the Senate) were filed with house health committees that would have had negative health freedom implications.

Thanks to the collective efforts of the members of the Texas Health Freedom Steering Committee, only one bill made it out of committee, and that bill ultimately contained no language which threatened health freedom.

Texas is a good example of the importance of the presence of a strongly determined, well-organized and well-funded organization working for health freedom on the state level. State groups work to gain inside knowledge of that state's legislative processes and the current status of bills and can make great strides to defeat bad legislation before the opposition can be successful.

Key Requirements for Stopping Bills

1. Timely notification of potential “problem” legislation. A vigilant monitoring team or system is necessary for states to always be alerted to the presence or introduction of legislation impacting health freedoms.

2. A central Health Freedom coordinating organization within the state. A strong and efficient working group is essential for stopping legislation. In rare instances, legislation can be defeated single-handedly by one person, as long as a piece of legislation is in the hands of a powerful legislator who will listen to concerns. However, in most cases, where there are strong interests groups supporting the legislation and others that strongly oppose legislation, it takes a concerted effort to make your voices heard and stop a bill. Teamwork is essential.

3. A system to rapidly and comprehensively acquaint elected representatives with citizen views on legislation when that legislation is opposed to health freedom.

Finding the best ways to get the voices of citizens heard by the legislature requires a dedicated and creative steering committee (including members from both state and national levels) making a plan and finding ways to implement the plan.

4. Hiring a lobbyist or designating a lobbying grassroots team to lobby at the capitol. A presence at the capitol is extremely important in monitoring and tracking legislation and lobbying to defeat legislation. This can be done by a grassroots activists or a paid lobbyist or both. During session many conversations are taking place everyday to make legislation move and daily lobbying, monitoring, or testifying when necessary, to make sure a piece of legislation has not been resurrected is crucial.

5. Training and educating grassroots lobbyists and advocates in the state. Some people, by virtue of their prior professional experience and contacts, have the ability to begin direct lobbying of elected officials almost immediately, however often consumers who want to help lobby need and appreciate training on how to be a grassroots lobbyist. Advocates must be ready to articulate the health freedom principles and be prepared to provide quick responses. Sometimes advocates encounter openly hostile reactions to a position by elected officials and their staffs.

National Level Assistance

National level health freedom advocates and organizations can and do provide extremely valuable and substantive assistance on many fronts. Because of their broad prior experience and contacts and their ability to help mentor and guide it can helpful to include them in any state efforts. In particular, they can provide invaluable, coordinating assistance when setting up a statewide organization. The following are some of the key figures in the national level movement:

Boyd Landry, Director
Coalition for Natural Health
Washington, DC
Phone: 800-586-4264
202-431-5683
e-mail: boydlandry@naturalhealth.org

Clinton Miller
Executive Director
Grassroots Health Freedom Advocates
Statesville, NC
Phone: 704-924-8615
Fax: 704-924-8616
e-mail: clintonray@bellsouth.net

Joan Vandergriff, ND
Chairperson of the Executive Committee of Sunshine
Health Freedom Foundation
710 Glade Road
Colleyville, TX 76034
Phone: 817-498-8055
e-mail: txhealthfreedom@aol.com

Diane M. Miller JD (no relation to Clinton)
Legal and Public Policy Director
National Health Freedom Action
PMB 218
2136 Ford Parkway
St. Paul, MN 55116-1863
Phone: 651-690-0732
e-mail: similars@aol.com

Wendell Whitman, ND
President, Trinity College of Natural Health
810 S. Buffalo St.
Warsaw, IN 46580
Phone: 574-267-8177
Fax: 574-267-7006
e-mail: whitman@whitman.com

Specific Action Steps for Health Freedom Advocates for Defeating “Problem” Bills

1. Have a Health Freedom Group Already In Place

(See Section on *Developing A Statewide Health Freedom Organization Or Steering Committee*)

2. Decide whether you will need a lobbyist or whether you can complete the tasks of a lobbying as a group without a lobbyist

You need to have one person or a group of persons who will be 100% responsible for knowing the status of every bill at the legislature, which negatively impact health freedom. The lobbyist or grassroots advocate also has to also be 100% available to the grassroots group and know and understand their wishes.

A lobbyist can help a group defeat a bill by doing the following:

- ▶ Confirms the existence and status of bills and obtain official copies of bills and make sure groups have the most up to date version of the bill.
- ▶ Confirms with the group when new bills get introduced
- ▶ Lets the group know where bills are headed and what kind of time frame and deadlines bills are under.
- ▶ Work to stop the bill from being heard in a Committee by a Committee Chair
- ▶ Works with the advocacy group to let them know which legislators to target and ways to help get the bill defeated by a committee.
- ▶ Testifies or solicits testimonials or testimonies for hearings
- ▶ Works to get legislators to vote no and against the bill.
- ▶ Know where a bill stands at every moment.
- ▶ Works to seek out parties that may oppose the bill and confirm their support of NO votes.
- ▶ Become aware of all parties that may oppose the bill and find ways to build alliances with them.
- ▶ Spend many hours at the capitol monitoring the attitude towards the bill.
- ▶ Working with legislative aids and legislators to respond to any amendments being proposed and recommending their rejection or acceptance
- ▶ Working with Legislative Committee Members to understand the negative impact of the bill on health freedom and assure that hearings will not take place and that the bill does not have the votes to pass and that the bill is defeated.
- ▶ Lobbyist must be willing to be at key meetings with legislators or groups, and at hearings as a spokes person.

The most important qualities of a good lobbyist are:

- ♪ Experience at lobbying successfully at the legislature
- ♪ Knowledgeable about legislators and the legislative process
- ♪ Respected at the legislature and excellent communication skills
- ♪ Has relationships with many key legislators
- ♪ Knowledgeable and articulate about health freedom bills and core principles.
- ♪ Willing to support what the group wants and work for the goals.
- ♪ Even better but necessary, someone who agrees wholeheartedly with the need for health freedom protection.

3. Set up systems of communication to defeat the bill at the capitol, in the legislators districts, and in the community at large.

- a. System for steering committee to be in communication with each other daily and regular meetings.
- b. System for notifying consumers about what is going on and when their voice is needed
- c. Set up a system to keep the lobbyist or advocacy group in communication with the health freedom team at all times.
- c. System to keep the media informed
- d. System for emergency decision-making. This is particularly important because the way that the larger group makes decision in their meetings might not be possible in an emergency setting. Sometimes at the capitol split second decisions have to be made and it is good to have a small “executive lobbying committee” of 2-3 people who the group trusts to make quick decisions on amendments and deadlines when needed. It is good to have an attorney available to interpret amendments and to offer suggestions. Other decisions can be made by the full steering committee in a way that works for the group, whether by voting or consensus.

4. Get the Network Going and the Word Out:

a. Network with important individuals and groups who are “stakeholders” in this issue. (People who will be affected in some way, positively or negatively). Present the problem. Evaluate their positions and decide if there are any changes or compromises you are willing to make without jeopardizing health freedom. If there are no alternative solutions stand firm on defeating the bill.

b. Network with health freedom citizens and legislators’ constituents and start having people contact the legislators with their stories. Direct them with input from your lobbyist as to which legislators to send their comments to. Teach people the value of

hand-written letters, phone calls, emails, and Clinton Miller one page fax campaigns. Direct people as to when is the best timing for their contacts. Let them know when hearing are, whether they should come to hearings, what to do and say at hearings, and how they can help. Sometimes citizens have to be on standby and be ready as soon as they receive an action alert to go into action. Build the movement by building the number of active citizens on the issue.

III. If a “Problem” Bill Is Moving

1. Be Clear About Your Team and Their Responsibilities.

Part of any successful effort is having a team that works well together. Making sure all the members of their team understand their responsibility and tasks is extremely important and having good ways to keep everyone on the team updated about progress and next steps needed to move the bill.

2. When the Bill is referred to Committee

In most states, once a bill is introduced and has a bill number it is referred by the Speaker to a Committee that has to do with the subject matter of the bill. If there are more than one subject area it could be referred to more than one committee. If it has a need for money funds to implement the bill it might be referred to an Appropriations Committee. Which Committee it is sent to is important in that it will dictate who will be hearing the bill and whether it has a chance of passage.

3. Blocking Getting a Committee Hearing

In most states the Chairman of a Committee has complete discretion as to whether to hear a bill or not. Some bills never get heard because the Committee Chair does not allow it. The first task of a health freedom group and lobbyists is to convince the Chair of a Committee to not hear a bad bill.

4. Ways to work with Chairs of Committees

Ways to work with Chairs of Committees vary. Sometimes the best approach is having a colleague of the Chair convince the Chair not to hear a bill. If that does not work then ask an influential leader in their district to talk to the Chair, one that may have helped them get elected. If this leader is an advocate of health freedom that can be very helpful. When a Chair hears from their constituents it is a powerful signal to act or not act.

5. If a Bill Gets a Hearings and It Negatively Impacts Health Freedom

Once a bill will be heard efforts must be taken to stop it and to assess whether committee members will vote for the bill. If the Chair is opposed to the bill the chair might let a vote be taken and if it loses then the bill is dead in the Committee. If advocates of a bill do not want a vote to be taken because they know it will be defeated sometimes they

encourage the Sponsor of the bill to withdraw the bill and bring it back again another year. They might also consider attaching the bill on to another bill in another committee or on the floor as long as the subject matter is germane to another bill. Consultations with lobbyists, and the rulebook are very important.

6 Getting the “No” vote of Committee members

Getting members to oppose a bill takes a strong lobbying effort. Individual meetings with each committee member is absolutely a must. The members must understand the bill enough to be able to discuss it and articulate their opposition. They must be able to withstand the lobbying efforts of the proponents of the bill and stand firm. They must be able to ask good questions at committee hearings, which will enlighten other legislators and convince them to vote against the bill. The job of the health freedom group and lobbyist is to educate the legislators so well that they are willing to defeat the bill because it would be bad law.

7. Getting Influential Stakeholders to Oppose a Bill

Committee votes often reflect the opinions of influential political stakeholders in the community. Legislators listen to the concerns of leaders in the community. They also listen to the concerns of various government agencies or Boards. Like it or not in some instances their opinion also reflects the amount of funds going into legislator election campaigns. No matter what the circumstance it is important for health freedom groups and lobbyists to be aware of the concerns of large stakeholders and be prepared to present good arguments for stopping a bill. The most number one asset in defeating legislation is strong relationships that you build with influential persons and legislators. Relationships are the basis of politics.

8. Educating Subcommittees to Block Bills

A Subcommittee is smaller than the full committee, sometimes as small as 3 persons or up to 10. It often offers a space for an in depth look at a bill and has meetings that help interested parties come to creative solutions. It is an important place to educate the legislators on the negative impact a bill will have on health freedom rights. The Subcommittee generally has a number of hearings and takes testimony from all parties and reviews suggested compromises if they are submitted. Subcommittee members take their tasks seriously and are often more available for one on one meetings to discuss the content of the bill. Once the Subcommittee has studied the issue they vote on a recommendation. The recommendation might be a yes or no on the original language of the bill or the subcommittee might produce their own compromise language. The Subcommittee recommendation to the full committee is not binding to the full committee and can still be over-ridden but it carries a lot of weight. Full participation by the health freedom advocates in subcommittee process is very important.

9. Amendments to a Bill

The goal of health freedom advocates regarding a bill that negatively impacts health freedom is to kill the bill. However in certain circumstances there might be enough support for a bill that it is wiser to develop compromise amendments in case the bill is likely to pass. This is a very difficult discernment because creating amendments can

portray a weakening of resolve to defeat the bill. However if the original bill passes as introduced the loss of health freedoms could be disastrous.

Amendments to a bill can be made informally before a bill is heard or formally during a legislative process. In many states legislators can bring amendments during a hearing or on the floor. There are rules about how far in advance an amendment has to be made public so as everyone can review it and develop counter amendments or feedback. However often times legislators agree to wave rules so sometimes amendments are considered for a vote and go on right as hearing or floor debates are happening.

Informal amendment language can be passed around between interested parties before any formal amendment is introduced in order to see if the parties can come to some resolution of their differences. .

Discussing potential amendments is the core of the political process. Some liken the legislative process to “sausage making”. It is rare that what a group starts out with passes as it originally was introduced.

10. If a Bill Goes to the Floor that Impacts health Freedom

If a bad bill goes to the Floor it is a time when the complete power of the health freedom movement must be functioning at its highest level to stop the bill. Every legislator must be lobbied by the lobbyist, and by the grassroots movement. Phone calls, meetings with constituents, emails, and faxes are helpful for the push.

The Floor vote is when the bill will be voted on by the entire House or Senate. A controversial bill can engender heated debate and sometimes even the attachment of amendments right on the floor. Other times it is a quick call to vote with unanimous approval because legislators try and trust the work of their committees whenever possible. Floor debates are a time when legislators can bring attention to their political positions and give speeches. It is a time when positioning by parties is very apparent. It is a time when the broad based public policy and politics of the state becomes clear.

11. If a Bad Bill Passes the House and Senate and Goes to the Governor

Stopping a bill via a Governor requires the same concerted effort as the floor effort. Any way that a group can impact the Governor’s office must be utilized. Although it is rare for a Governor to veto a bill it does happen. For example the Physician Reform bill supported by alternative health care physicians in New York in 2004 passed both bodies but was vetoed by the governor.

Whether a Governor can veto the bill is up to the constitution and rules of the state. Vetoing a bill is a highly political act for a Governor and is done with deliberation.