

October 23, 2007

Hon. Edmund G. Brown Jr.
Attorney General
1300 I Street, 17th Floor
Sacramento, California 95814

Attention: Ms. Toni Melton
Initiative Secretary

Dear Attorney General Brown:

Pursuant to Elections Code Section 9005, we have reviewed the proposed initiative entitled the "Health is a right act" (A.G. File No. 07-0054). This measure would amend the State Constitution to declare that the right to health is a fundamental human right and that equality of rights under the law shall not be denied or abridged on account of health.

Background

The Constitution of the State of California contains a Declaration of Rights that enumerates the rights of the citizenry. For example, the Constitution declares "All people are by nature free and independent and have inalienable rights, among these are enjoying and defending life and liberty, acquiring, possessing, and protecting property, and pursuing and obtaining safety, happiness, and privacy."

Proposal

This measure amends the Constitution to declare that the right to health is a fundamental human right and that equality of rights under the law shall not be denied or abridged on account of health. Furthermore, this measure would provide that the Legislature shall have the power to enforce, by appropriate legislation, the measure's provisions and that it would not become effective until one calendar year after its enactment.

Fiscal Effect

This measure would have no direct fiscal effect on the state. However, the measure could result in indeterminable state or local government costs depending on how it is interpreted and applied by the courts.

Sincerely,

Elizabeth G. Hill
Legislative Analyst

Michael C. Genest
Director of Finance