

## AN ACTIVIST'S GUIDE TO PASSING HEALTH FREEDOM LEGISLATION IN YOUR STATE

Welcome to our E learning booklet. It's designed to fully support you as you begin your journey, as you consider organizing and mobilizing with the vision to implement health freedom and, "a safe harbor bill in your state." We aim to walk you through, step by step, the process of facilitating and achieving your goal. We have gathered together in one place, for easy access, all the relevant information that you may require to achieve success.



The information in this booklet has been gathered together from many individual documents that can be found on our web site [www.nationalhealthfreedom.org](http://www.nationalhealthfreedom.org), mainly under the heading INFO CENTRE, HEALTH FREEDOM DOCUMENTS, "Advocacy Resources." We want to share our wealth of experience, gathered over the years, as 10 states have successfully passed a "safe harbor bill ". Our long-term goal is to see that all 50 states have this legislation in place. Many people have approached us for help and want to get started; we all

lead busy lives and getting started, working towards and achieving this goal, can appear so daunting, almost impossible. It may stop many from even taking that first step. Please remember, it has been done and you can do it! This booklet has been designed to be a quick, easy, colorful read and brings together in one place all the valuable knowledge, insights and experience that we have to offer for your journey.



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*Diane is author of "The Principles of Health Freedom". "I believe that laws and customs must be carefully reviewed, revised, and even repealed if necessary, and new ones created, to reflect the continual development, evolution, and spiritual maturation of a people."*



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## **TABLE OF CONTENTS IN THIS BOOKLET**

<b>Our Mission and Declaration of Health Freedom</b>	<b>Pages 3 - 5</b>
<b>Passing a Safe Harbor Bill in your state</b>	<b>Pages 5 - 10</b>
<b>Skills and talents to look for on the Health Freedom Team</b>	<b>Pages 10 - 13</b>
<b>All about grass Roots. How to Mobilize the Masses</b>	<b>Pages 13 - 17</b>
<b>Forming a non- profit corporation, becoming tax exempt</b>	<b>Pages 18 - 20</b>
<b>Passing a Health Freedom Bill at your State Legislature</b>	<b>Pages 21 – 26</b>
<b>Defeating State Legislation that Negatively Impacts Health Freedom</b>	<b>Pages 27 - 33</b>

## Our National Health Freedom Coalition Mission



To promote access to all health care information, services, treatments and products that the people deem beneficial for their own health and survival; to promote legislative reform of the laws impacting the right to access; and to promote the health of the people of this nation.

### NHFC's Declaration of Health Freedom 2004

#### PREAMBLE

#### Considering, Recognizing, and Affirming:

**That** all human beings are born free and equal in dignity and rights.

**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.

**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.

**That** all people, including children, have the right to the highest attainable standard of physical and mental health.

**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. 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 wellbeing.

**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 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.

**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.

**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.

**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

## **DECLARATION OF HEALTH FREEDOM**



### **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.**

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.

U.S. CONST. Preamble.

Declaration of Independence, In Congress July 4, 1776.

International Covenant on Economic, Social and Cultural Rights, art. 12(1), G.A. Res. 2200A(XVI), 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.

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

WHO FACT SHEET (No. 134), Traditional Medicine, (Sept. 1996).] 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).

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

September 5, 2004



**PASSING A SAFE HARBOR BILL IN YOUR STATE - It's a time-consuming process but let's get started here!**

**Developing A Statewide Health Freedom Organization or Steering Committee**

In rare instances, legislation can be passed or defeated single-handedly by one person, as long as a piece of legislation is in the hands of a powerful legislator. However, in most cases, for legislation where it is controversial or there are interest groups who both support and oppose the legislation, **it takes a concerted effort of talented individuals to get a bill passed or defeated in the legislature.** A good team can make a big difference. However, a viable health freedom organization in any state cannot successfully occur via a "cookie cutter" approach. Here are some basic guidelines with the understanding that they are only suggestions; groups come together in a variety of modes and there is no one "right way" to make change happen!

Identify like-minded people who have similar concerns about health freedom **and want to see CHANGE.**

31 states already have Health Freedom groups or organizations. Our contacts with them are varied and some groups may be inactive at present. For up to date details, please refer to our web site: <https://nationalhealthfreedomaction.org/state-organizations/>

You can find out more about them at [www.nationalhealthfreedom.org](http://www.nationalhealthfreedom.org) or by calling **National Health Freedom Action at 507-663-9018.** Contact these leaders and share your concerns and see how you can help. National Health Freedom Action encourages each group to find attorneys and lobbyists from their own state who understand health freedom issues, and provides invaluable consultation to these individuals on the complex issues of increased access to the healing arts.

If there is not an existing organization begin your networking to find likeminded people.

**Who wants to make change happen?**



If there is not a group in your state then you will need to consider starting one!

**To begin your process, look for group members.** When you look you may find people with great vision or wonderful organizational or political talents but who are not able to contribute as a worker bee for an effort. Or you may find some people who have no knowledge or skills in passing legislation but really want to be given a task and want to jump in and help. Great. And then you may find some people with both talent and time and resources that they are will to bring to a group. Look for all kinds of persons who would like to become core members of a group or steering committee. However, keep in touch with all the people you meet for future reference and in today's technological world this is much easier than in the past. Good, consistent communication is vital to your success.



**Build Your Team**

Identify people who can function in a collaborative leadership group with good communication skills. In order to work together, people need to be able to work within a group process, functioning in an ambassadorial manner in a diverse community. Identifying compatible group members and group leaders is a spontaneous process. Groups generally find their own rhythms, with maybe some road bumps in this process.

**Decide on an organizational structure**

There are many ways to form grassroots action groups that can receive donations. Some require the setting up of corporations and some are more informal. For more information on setting up a non-profit corporation look at the article written by Leo Cashman in this booklet, ***“How to Start a Health Freedom Organization in Your State.”***

Here are some structure options for you to consider:

***An informal steering committee of individuals functioning by Roberts Rules of Order***

This is often how organizations function in the early stages of development. They generally do not have a checking account and are made up solely of volunteers. The drawback is that if they are offered a large donation they have no way of accepting it except to ask the donor to directly pay bills that come up such as paying a printer for a brochure.

***Incorporate as a non-profit or form a legal Coop***

This requires incorporating under state law and then going on to apply for federal tax status. The benefits of being incorporated include the ability to do business, to receive donations and the ability to have tax-exempt income. Whether your donors receive tax deductions for their donations and whether an organization can lobby as opposed to restricting their activities to educational purposes only will depend on the federal tax status of the organization and what their mission statement includes. There are many federal tax status options such as 501©3 status for educational organizations where donor can receive a tax deduction for their donations and 501© 4 status for lobbying where donors receive no deductions. There are also 501 © 6 for professional associations that can lobby and many others. (See [www.nationalhealthfreedom.org](http://www.nationalhealthfreedom.org) for how to set up a corporation.)

**Informal federation of organizations**

In some states there are already a number of organizations that want to promote health freedom and they do not wish to form a new organization but would rather just all work together and stay autonomous. In this instance delegates from each interested organization get together on a steering committee and make strategic decisions together and hold meetings **according to Roberts Rule of Order**.

When it comes time to do specific tasks or to pay certain bills such as lobbyists, the organizations decide between them who will do the task and who will pay the bill. Often, they split the cost of lobbying because it is a large cost. In terms of websites and memberships, the group often point to all of the websites or just choose one organizations' website to house all of the health freedom information on it. Also, for memberships, they encourage people who speak with them to choose one of the organizations that belong to the federation and join that one.

Federations are more complex when holding meetings of the steering committee but promote strength in that major organizations have delegates always at the table. In addition, federations can notify their delegate members to do press releases to their organization's data bases thus increasing the exposure for press releases and calls to action.

**NOTE for Example Texas:**

Texas uses the federation model and here are some comments that the leader of the Texas Health Freedom steering committee, Peter McCarthy, had to say about the federation they use:

(See Peter McCarthy's complete document at [www.tcam.org](http://www.tcam.org))

***"In many states, a number of groups and individuals step forward to assist with effort. Representatives from a number of large nutritional manufacturing companies, professional organizations, and interested individuals combined to form a steering committee, which cooperated effectively to oppose the objectionable legislation. This occurred because:***

*The leaders of each group decided that the mutual goal was more important than the share of credit each group received, and was willing to devote time and resources to the committee's operations in order to achieve the desired goals.*

*The leaders ensured that parochial organizational interests were not permitted to encroach upon the achievement of the mutually agreed upon goals.*

*The leadership of the committee was perceived to be an "honest broker," and not tied to any particular group's interests and agenda. This is a key prerequisite for the creation of a successful organization. The leadership must be very conscientious in conducting the operation of the group in a way that does not favor one part of the organization over another. Otherwise, the group will not long function as a viable whole."*

**Other Options are many**

You may even consider a for-profit organization doing lobbying and education, however, **the most important aspect of the structure of a group is to know exactly what the structure is so that there is financial accountability and clarity among group members.**

- Make a decision to meet regularly by whatever means**



Even if it's meeting for a short time, unless the legislature is not in session and there are no tasks to be done. Whether you have a group of 2-3 or 8-12, a regular meeting will strengthen the efficiency and professional quality of your group. It will enhance the accuracy of your strategies and the brilliance of your plan. It will keep the workload spread out evenly amongst the group and help to avoid burnout. It will provide a forum for discussing situations that are difficult or stuck, and it will increase the friendship and fun of working together.

- Identify what further resources you need and make a commitment to gathering them**



Fundraising is an integral part of a strong organization. In addition, you'd be surprised at how many necessities can come in the form of donations including rental space for meetings, free printing, free media space, speaking engagements, use of utilities such as database management or faxes etc.

- Decide which jobs which steering committee members will do**

- Right up front it is important for members of the steering committee meetings to have a Chairperson or facilitator to run the weekly meetings, for a Secretary to take notes, and for a Treasurer to give financial reports.**

- Review the list of team players and divide up the work.** If there are only three persons in the group, do not worry. Pick the top priorities that you can accomplish and go with it and keep open to making your team bigger.

- Decide about decision-making.** Who will make the decisions about your movement going forward? Will it be a formal, well-defined group such as the board or boards you set up? Will it be the people who end up meeting regularly and doing the work? Will you give your lobbyist power to negotiate and make deals, or will you retain decisions in your own group? Will you require consensus to go forward? (100 % agreement) or a simple majority, or two-thirds majority? Have discussions about this and note in your meeting minutes what was decided.

- Write down your goals and take manageable steps to reach them**



Having well defined goals is essential to staying on task when reaching a goal. The political process can lure us into many whirlpools and we can easily lose sight of what our goals are. The opposing parties to health freedom will work to distract or call for compromises. So, make sure and write down your goals and keep them handy and revisit them often and don't get sidetracked. Stay focused. Write down:

- Your goal
- Your current people and resources
- Steps that need to be taken



- Consider setting up a website



A website is a powerful tool that acts as a central source of communication for the state movement. It allows consumers to get the most up to date latest information and directives from the steering committee and helps mobilizing for action steps.

**NOTE: Words from Texas Health Freedom Leader Peter McCarthy on Communication based on Texas 2004-2005 session experience:**

***“Develop an effective communications system.** This includes not only intra – organizational communications, but also communications with elected officials and their staffs. The most effective communications media are those, which can generate a massive, rapid response. In Texas, the committee leaders chose to set up a weekly series of conference calls, using the resources of the web-based organization [www.freeconferencecall.com](http://www.freeconferencecall.com), with national level leaders in attendance to give advice on strategy and tactics and offer substantive assistance like mass mailing media. These were used very effectively to formulate strategy and identify those individuals who would take specific actions and identify those individuals who would take specific actions. The leaders also made extensive use of e-mail and individual phone calls to keep the group abreast 8/2005 of fast breaking events. This was especially valuable for the one bill, which actually made it to a hearing. The committee encouraged the members of the individual groups to make maximum use of traditional means of communication with the legislature, i.e., phone calls, faxes, letters, etc. Additionally, the committee had the advantage of a well-constructed web site which permitted anyone who logged on to instantaneously send both an e-mail and a fax to every health committee member in both legislative houses. The site had off-line programming available to do the same for every member of the legislature, if any of the bills had made it out of committee. Finally, the committee availed themselves of the knowledge that its members gained from conversations with lobbyists, elected official staff members, national level health freedom advocates, and other sources such as the state legislative web site, public pronouncements of key federal health officials, and person-to-person contact with state officials to craft a series of hard hitting, factually based communications which were given wide exposure within the natural and alternative health community and offered as examples which anyone could copy for their own communication with the legislature. Any member of a state committee with written communications skills should freely share their own written correspondence with the other members of the committee so that the maximum number of people have access to that product and can use it on an individual, personalized basis to help generate a broad response with coherent themes.”*  
(See Peter McCarthy’s Health Freedom Master Planning Document at [www.tcam.org](http://www.tcam.org))



- Learn about the lobbying rules of your state legislature

State legislatures have the authority to make laws regarding health care practitioners so bills are introduced into individual state legislatures. Each state legislature is unique and they each have different dates for beginning and ending of session and how committees work and who can and cannot lobby. Each state legislature has a “lobbying office” where people must sign up to lobby depending on the rules of each state. Grassroots groups should know these lobbying rules and abide by them carefully.



- Learn about the political process in your state including session rules and how bills move through the legislature

Remember, you don’t have to do all of this alone! Government employees and Legislative employees and aides are very helpful at helping citizens learn about how their state government works. Going to the capitol, talking to aides of legislators, and going to committee hearings, and reading over the rules is very helpful.

Each state is unique and grassroots group must learn how their legislature works. From how many years for a session, to when session begins and ends, how bills are introduced, when do bills go to committees and what it takes to defeat bills or pass them out of committees.

Find people in the community who have been involved with state government and have them speak at your group or join your phone conferences to teach you about how the process works. Even after you think you have learned about the process it is good to have a person you know that you can call for future questions about process at any time.



## Skills and Talents to Look for On the Health Freedom Team

### Skills and Talents to Look for

Teams are created to keep a project moving smoothly and efficiently and to have clear communications about responsibilities and strategies. Don't be discouraged if you don't have all of these skills on your team at the beginning. Start the process and attract the people you need to help. Take the time to start doing the work and your team will grow as your movement grows. These are examples of helpful member skills:



#### Administrative support

Administrative support is needed for setting up conference calling and conferences, meetings, historical record keeper and minute taker, photographer. Some people may not be at the capital but they are extremely good at chairing meetings, being secretary or treasurer, or doing administrative skills and will strengthen the organization by having the dependability of these functions.



#### Accounting

A group will always need a person responsible for keeping track of all funds solicited or used by the group, keeping receipts and records, and keeping the group updated on their financial status.



#### Designated Leaders or Facilitators

Depending on what type of organizational structure, groups always benefit from acknowledging their leaders and defining the roles their leaders take. From chairing or facilitating meetings to being the go between with the sponsors and lobbyists for the bill, it is important to have leadership and to know what role they are responsible for and whether leadership is shared by more than one person and how that is carried out. This will help for a smooth-running team and will also help the general public know who to contact and how they can get their questions answered. Especially for Sponsors and Lobbyists it is good to designate a person they can always be in touch with from the health freedom group.



**Volunteer Coordinator**

One of the strengths of any advocacy group is their volunteer helpers. Keeping track of volunteers and giving them tasks and following up with them is a big job. Sometimes volunteer lists are accumulated so they can be on stand-by and be ready to go into action as needed. Other times there are day-to-day tasks that they can help with that takes the pressure off other leaders like setting up meeting venues. The important thing about volunteers is to have someone they can contact to check in to see how things are going and if there is anything that needs to be done.



**Database management for mobilizing grassroots supporters**

Depending on the legal structure a group takes on there will be one or more databases at the state level of interested consumers and citizens. No matter which structure is chosen, it is important for the group to know how many are in their cumulative databases and how to reach people quickly and who is responsible for communicating with persons in the databases. **Mobilizing the grassroots is a key component to being successful at passing legislation.** When legislators see that their constituents are serious about an issue they generally listen up and learn about the issue.



**Public Speaking, Publications, Newsletter, Press Release, Media Liaison, and Writers**

Media and public speaking are important factors in health freedom campaigns. Publications and Newsletters can impact ordinary people and legislators easily. Having public speakers ready to address people at local meetings, radio sessions, and gatherings is very powerful. In addition, often grass roots activists are surprised at how hostile the conventional media will be towards their bills or if not hostile, then silent. But alternative media is beginning to do a good job at promoting many health freedom efforts and is growing in popularity. A media liaison and a writer is a great asset to your movement.

**Manager of Legislative Districting to target districts**

It is very helpful to have persons on the team who are familiar with political campaigns and how districting works and how to target particular legislators.



**Fundraising**

Costs of passing a bill vary depending on many things, especially on whether professional services are provided by volunteers or paid contractors. Potential costs are for example, legal research, lobbying, accounting and checking accounts, incorporation (if needed), publications and printing of materials, website, public meeting arrangements, and many more. If a group is utilizing more than volunteer services, then fundraising is a very necessary part of a group plan. Some people are natural at raising money.



#### **Lobbyist**

A lobbyist is a person who is responsible for tracking a piece of legislation every minute and spending much time in and outside of the capitol convincing the legislators to vote for or against a bill and helping the sponsoring legislators get supportive or opposing votes for the bill through committees and on the floor of the legislature and all the way to the Governor's office.

#### **A Local Legal Researcher**

A researcher is important to understand the legal problem in its entirety. Local citizens are often great legal researchers, or national leaders can do legal research or they can look over research that is done by local people and give feedback on health freedom issues. National Health Freedom Action (NHFA) is happy to provide comments and insight on bills that impact health freedom in your state. A local attorney working pro bono on research is great too. A local state licensed attorney is needed if legal opinions and advice are needed.

#### **Drafter of potential solutions**

Anyone can draft legislation or amendments to legislative bills. The legislature itself has attorneys that also draft solutions based on ideas that are given them. However, in the case of health freedom, it is very important to complete the drafting just how the group wants it. That way the bill or amendment will be as close as possible to what you envision. It is a good idea to run a bill or an amendment past national groups with expertise in health freedom at the drafting stage to receive feedback from people who have extensive experience in this area. NHFA is happy to assist with drafting bills or amendments that impact health freedom in your state. If the legislature drafts a bill from scratch, often times it is not what you are expecting and may be difficult to change. A citizen drafter or a drafting committee that gets extensive feedback is very helpful.



#### **Attorney Legal consultant**

To discuss changes. Bills often get amended in the legislature by other parties and things happen quite quickly at the legislature. It is always good to have someone on call to give an analysis of an amendment or to make comments or draft emergency amendments while the bill is traveling through the legislature. Local attorneys can give interpretations of laws.

#### **Grassroots Trainer for Consumer Lobbying Efforts**

Citizens are great natural lobbyists. However, they can be even better if they are provided guidance and mentoring. Often this can be done by a citizen-lobbying day at the capitol. Volunteers who have previous background in lobbying are great at helping citizens be effective grassroots advocates at the capitol and to provide guidance to citizens when they come to hearings.



### **Community outreach networker and coalition builder with other organizations**

Some people are natural networkers and can set up meetings with diverse groups to get the word out. There are broad range of options for meetings with other groups ranging from meetings

with potential opposing groups, to setting up constituent meeting of a particular legislator in their districts, to having speakers come in for a rally for health freedom supporters. Movements are built by building bridges in multiple sectors and different types of meetings and outreach can really strengthen the movement.

## **All about Grass Roots – How to Mobilize the Masses**

### **WHAT IS GRASS ROOTS MOBILIZATION?**

Grass roots mobilization is all about building support among the public for social change or to prevent change. This support may be leveraged into change at the legislature in the courts, in the economic system, or other areas of society. It is developing awareness of an issue among large numbers of people in order to support an action.

### **IMPORTANCE OF GRASS ROOTS MOBILIZATION IN PASSING LEGISLATION**

Grass roots mobilization Increases power of a movement and the more that you mobilize, the bigger your movement becomes. Mobilizing the public increases the energy and power of your movement. It's risky to introduce a controversial bill without major support from many groups and the public and it takes a lot to pass a bill, and you can't just do it because you have some good contacts. You need to expand your influence. Reaching more people who care about your issue will inevitably help you to come across people with good contacts, people with influence, people with power. You don't know those people until you start building the process. Therefore, it's really necessary to bring in people with expertise and expanding your contact base will help to facilitate this.

You need all kinds of skills to pass any legislation, which is far-reaching or controversial. You need lobbying, website, database management, drafting, public speaking, writing, media, etc. As you reach more people, those people will materialize to help you. Your growing public presence will let legislator know that this is an important issue to the public.



Legislators pay attention when they get 4 or 5 calls from their own constituents – then they know that it is a “really big bill”. This helps to educate legislators on the issues when they hear it from their own people – not just from the lobbyists. Health freedom bills are about real live people issues – people wanting to have control over their own health care and healing choices.

Your hard work and growing public presence will lay the groundwork for future work that is important to the natural healing community. It has been said that the natural healing community is the largest unorganized community in the country. It is time that we found our voice and started to exert influence over the things that we care about. Once a network of communication and a base of respect as a constituency has been established, then your group has the capability of taking on future challenges that you care about. Examples of this can be seen historically in the states of Iowa and Minnesota.

#### GOALS IN DOING GRASS ROOTS MOBILIZATION



Reaches lots of people



Educates them on the issues



Mobilizes people into action



Ultimately makes the changes you want to see happen

#### STRATEGIES IN BUILDING A GRASS-ROOTS MOVEMENT



Develop Your Message!

You cannot effectively contact anyone until you know what you want to say to them!



#### The Problem

**What is the problem that needs to be solved?** This is the most important part of message. How did the problem first come up? Has research been done to understand the problem in its entirety? *If you don't understand the problem well, then you won't communicate it well. If you don't communicate it, it will never motivate people to care and take action.* You can't just tell them that you want to pass this bill they need to care about it. Example: Practitioners prosecuted for “practice of medicine without a license” or

“practicing outside of standard of care.” How does this make them vulnerable? How does that affect their practice? How does that affect your access as a consumer? After fully understanding the problem are the people still motivated enough to work towards change?

**The Solution**

What have you developed to address this problem? Is it a proposed legislative bill or something else? Exactly what does your bill do? Why did you choose this solution and not other solutions that may have been considered?

**The Strategy**

Exactly how are you going to go about accomplishing this solution? What is your group doing to make this happen? What will be the steps involved and what is the current update?

**What YOU Can Do to Help!**

Do make it clear what you want people to do – now and/or in the future. Do you want them to join your steering committee? Do you want them to become a member of your organization? Do you want them to help spread the word? Call their legislator? Donate money? This will change as time goes on but at any given time, *please don't give a message without empowering them to help*. If nothing else, they can always sign up with their contact info for future action.

**IDENTIFY WHO YOU SHOULD MOBILIZE AND HOW TO REACH THEM**

**#1. You should be in close contact with consumers of holistic healing services, products and information**



The most important constituency is not the practitioners but the consumers. Keep your campaign focused NOT on the right to practice, *but on the right of consumers to have access to the healing products, services and information that they deem best for their own health*. Legislators may be wary about practitioner groups bringing bills to the capitol to give them special rights to practice, and often reflexively react negatively to giving them special rights. But they are much more receptive to their constituents telling them they want to make their own choices about their health. Even if they don't understand or respect alternative healing methods, they do usually respect your right to make that choice for yourself.



**#2. Be in close contact with practitioners and suppliers of holistic services, products, and information**  
Practitioner groups have a special stake in health freedom legislation if it deals with their right to practice legally. But always emphasize that your legislation is not a restrictive solution that is going to take away rights from other practitioners.

**Network with groups of people already organized who share your concerns**

Consumer groups that share a philosophy of natural, holistic ways of life, seek out shoppers at organic groceries or health food stores, members of environmental groups.

- Consumer groups who have a certain disability or chronic illness such as people with chronic fatigue, environmental illness, mercury toxicity from vaccines or dental fillings.
- Practitioner groups already organized in your state, such as holistic doctors or nurses, herbalists, homeopaths, massage therapists, etc.
- Practitioner groups who are not currently organized but who might take this opportunity to coalesce if some of their leaders get motivated by your goals.
- Contact schools that prepare their students to be practitioners and who will be affected by your legislation.

**HOW TO BUILD A NETWORK WITH SUPPORTIVE ORGANIZATIONS**

- Do contact members of the board or the executive director. Set up a meeting to explain how the issues affect their organization and how your solution can help them.
- Ask to make a presentation to their board.
- Educate their board on the issues and your solution and strategy.
- Communicate to the board how they can help.
- Ask if you can address their whole group at a meeting? Put an article in their newsletter? Can they email all of their contacts? Will they take an official stand in support of your position or bill? Will they contribute money? Will they mobilize their membership to get involved, help, or call their legislators?



**BUILD YOUR DATABASE OF INTERESTED PEOPLE**

- Establish a database with fields that will be useful: Name, address, phone, EMAIL, possibly also their profession, donations, interest in helping, skills etc.
- Do use every opportunity to add more names to database. Add people who have indicated support, and also people you feel should stay informed, whether they have indicated support or not.

- Look for groups that you can add – try to add whole memberships if you can. If not, at least the leaders and ask them to pass on information to their members.
- Have booths at wholistic fairs, expos and conferences to reach more people.
- Always ask for email addresses. These are the most effective means of reaching a large number of people quickly and cheaply.

**LEVERAGE THIS ENTHUSIASM OF LARGE NUMBERS OF PEOPLE**

- Don't just educate people – empower them to take action!
- Always ask people to sign up and get involved. Identify their skills and interests.
- Use your database to keep them informed and updated on what's happening and what they can do next.



- Do make it easy for them to communicate with their legislator or other key people. Give them written information that is succinct: The Problem – The Solution – What I want YOU to Do (support this bill...) Give the Bill Number and Name and the legislative Sponsor.
- Tell people how to find their legislators name and contact info.
  - Here is the number to call to find your legislator’s name and phone number.
  - Here is the email formula, i.e. Senator. First name. Last name. State. i.e.: FL.

**TARGET YOUR GRASS ROOTS MOBILIZING TO KEY LEGISLATIVE DISTRICTS**

- Determine which committees will hear your bill first in the House and the Senate. These are the most important policy committees, and the legislators who are members of these committees are the experts on your issue. They are the ones who will lead the debate on the full floor of the House or Senate.
- Determine the key leaders on these committees – Who is the chair and vice chair and minority leader? The chair decides whether your bill will get a hearing. Find out which legislators are most influential on these committees.
- These legislators are the most likely to influence your bill behind the scenes or when the bill gets to the floor. Other legislators will look to them for their expertise on your issue.
- These leaders need to know that a lot of their own constituents care about this issue. They need to hear from lots of people in their own district.
- Find the legislative districts of these key leaders and develop the constituency to support the bill. Go to the district and find people who care about your issues. Use your database to identify people in these districts.
- Build your database of people in this legislative district. Contact individuals who support your bill and ask them to help mobilize their district for this cause.
- Set up a meeting of these key legislative leaders and their constituents.
- Ask the identified leaders to set up a home meeting or a meeting in a church or community center with their legislators. At this meeting, have your lobbyist or a member of your steering committee who can articulate the issues well, present the message: The Problem and Your Solution, and exactly what the bill does. Then have the constituents share their stories about how the issue impacts their own lives and why they care about maintaining access to the healing services of their choice.
- Ask this group to get lots of constituents to contact this legislator  
These legislators need to understand very clearly: The Problem, how your bill addresses the problem and how your solution avoids harming other interest groups. For example, in the case of health freedom bills, they need to understand how your bill protects your ability to make choices while still protecting the public from harm



## ☑ KEEP YOUR MESSAGE POSITIVE AND YOUR RELATIONSHIPS VIBRANT!

Effective networking recognizes the importance of people-to-people interactions and relationships. Maintain contact with your contacts. Keep them updated. Respect them for their part that they play in the world. Affirm them for their contributions. Avoid putting down any philosophy or group in the process of promoting your philosophy or group. Don't criticize conventional medicine in order to play up holistic healing. Rather, emphasize the importance *of each person being able to make their own choices*. Build a reputation as a strong, determined, committed, and positive group of people who are making the world a better place. Building a strong grass-roots base will make all the difference in your ability to succeed in making the social changes that are important to you.



Forming a non-profit corporation, becoming tax exempt

By Leo Cashman, Minneapolis, Minnesota

### Why Incorporate?

Activist groups sometimes ask: is it really necessary to incorporate our health freedom groups? Can't we avoid the usual incorporation costs? One way to answer that is to consider alternative forms that are so familiar in the world of small business: the sole proprietorship and the partnership. They are non-corporation forms of running an organization, so clearly, they seem to be quicker and perhaps easier to set up.

Consider a hypothetical health freedom group wanting to get started and set up a bank account. The group chooses one or more people to sign checks and otherwise manage the affairs of the business; let them run the organization as a partnership (two or more owners) or a sole proprietorship (one owner) under their names. The bank may be quite willing to set up such a business checking account, as long as the one or more owners provide proper identification. At first glance it may look like smooth sailing – the name of the health freedom group is printed on the checks. Is there a problem looming here?

YES - Let us list some of them:

- The owners are personally liable for the debts and obligations of the organization. – The partners will be personally taxed on any excess of Revenue over Expense that occurs in a given year
- Because of the for-profit purpose inherent in partnerships and sole proprietorships, they cannot become tax-exempt. Contributions will not be tax deductible for the donor
- The owners will not be bound by the decisions of a larger group of members
- And what if there is a coming or going of some of the listed partners? The entire partnership dissolves!

Clearly, from the above, we can see that the common unincorporated forms – sole proprietorship and partnership – are not appropriate or even feasible for a group that is inherently not a business but, rather, has, for example, an educational, a charitable or a public welfare purpose. In order to form something that endures as an ongoing entity and is worthy of public support, it is best for the group should **form a Non-profit Corporation**

## The Idea of a Corporation

Let us view what a corporation is. A corporation is an artificial person, formed under the provisions of the laws of a state, that exists independently of the coming and going of particular individuals. The structure of a corporation provides for a succession of individuals who guide and govern it, so that the corporation can endure despite the coming and going of individuals – there will be changes of stockholders (in a business type of corporation) or of members and/or directors (in the non-profit setting). The governing documents that create the corporation and how it is supposed to work describes in some detail how the governance and control of the corporation works, namely a structure of ownership and/or control that protects the interests of owners (in the case of a for-profit corporation).

When a group with a non-profit purpose, such as education or legislative reform, must decide which state under whose non-profit laws it wants to incorporate. Every state has its own state statute that provides for the formation of non-profit corporations. The non-profit statute is appropriate for groups that have a charitable, educational, scientific or religious purpose, but also can be used for groups that want to lobby and bring about legislative change, or for trade associations. The “Articles of Incorporation” is a document that is filed with a state in order to create the corporation, and the articles describe that purposes of the corporation, both general purpose and then more specific purposes, its powers, the role of its board of directors as a governing body, and a few other key matters that generally describe the way the corporation will work.

The “Secretary of State” is not only the name of an elected person but is also the name of the state agency that receives and approves filings of the Articles of Incorporation and other business and legal documents.

The Articles of Incorporation are supplemented by the Bylaws, which describe how the board of directors is supposed to conduct itself, by, for example, choosing officers, having regular meetings and having special meetings, and needing a quorum in order to conduct business. The Articles and Bylaws should be drawn up not only to comply with the requirements of the state in which you are incorporating, but also should contain language that will enable the group to become recognized as being tax exempt with the Internal Revenue Service (IRS). Becoming tax exempt with the IRS is a separate step, one that follows the act of incorporation, and, in order that the group’s application for tax exemption with the IRS be approved, the Articles of Incorporation and the Bylaws must have the language necessary to convince the IRS to grant the type of tax exemption that is being sought by the non-profit group. The fact that the Articles of Incorporation have met the approval with a Secretary of State’s office and the non-profit corporation them officially exists does not automatically assure that the non-profit will be granted that kind of tax exemption that it seeks federally, from the IRS. The Articles should be properly worded in order to meet IRS approval of the kind of tax exemption it wants.

The Articles of Incorporation typically names the first Board of Directors and, once the incorporation is approved, this catapults that initial board into its management and governance role, so it can begin meeting and governing the business and the affairs of the corporation. Every board meeting should have **meeting minutes** that record the decisions made and the board meeting minutes form a chain of authority and decision making that extends from the moment of

creation – the incorporation with the filing of the Articles – throughout the whole history of the corporation. In case there are hassles or disputes over the legitimacy of the board or its board decisions the meeting minutes that establish a clear chain of control and decision-making is important in determining who has actual decision-making power and what has been lawfully decided.

## **Tax exemption**

All types of tax exemption have one thing in common: the corporation is exempt from paying the federal corporate income tax the way a for-profit corporation would. In the US, any of the various types of tax exemption are sought by filling out an application for a specific type of exemption under the provisions of **section 501©** of the Internal Revenue Code. Questions in the application must be answered and a copy of the Articles of Incorporation and the bylaws must usually be submitted. In reviewing your application for tax-exempt status, the IRS gives your Articles of Incorporation and Bylaws special scrutiny to see if they have the language needed to allow the type of tax exemption that is being sought.

If the non-profit's purpose is **primarily educational, charitable or religious**, it seeks a tax exemption under the provisions of IRC 501© (3). That type of tax exemption carries a great benefit: under such a tax exemption, contributions by a donor may be tax deductible for the donor – a great encouragement for the larger donors. However, the non-profit with a 501© (3) tax exemption can only do an “insubstantial” amount of lobbying. Usually a separate non-profit group is formed with an eye to being able to do unlimited lobbying and to do so under a different type of tax exemption – a **501© (4)** tax exemption.

**Fill out IRS Form 1023 or, if possible, a shorter form, 1023EZ, in order to apply for the 501© (3) tax exemption. This is for groups that are educational, charitable or religious. If Form 1023EZ can be used, the application process can be much simpler and IRS approval can be much quicker.**

**For a group that seeks to promote social welfare (as by lobbying and legislative reform efforts) should apply by filling out Form 1024 so as to apply for a 501© (4) tax-exemption. A short form, form 1024a, may often be used instead in order to make the application easier.**

If 501©(3) status is achieved, a group may be able to go further and become Sales Tax Exempt from the sales tax in that state. That is not automatic and is an entirely separate step! The group must ask its state department of revenue for a form with which to apply for a state sales tax exemption. Another privilege that may be applied for is the You may also check with the US Postal Service about their requirements for doing bulk mailings at reduced prices for a tax-exempt non-profit. The savings on postage may be substantial.

More detailed information and guidance. A non-profit group, Alliance for Justice, provides assistances and educational resources for those seeking to understand the issues of non-profit tax exemptions on non-profit lobbying and on the issue, such as lobbying by non-profits and lobbying limits on non-profits that have a 501(c)(3) tax exemption. You may reach them at Alliance for Justice, 11 Dupont Circle NW, Suite 500, Washington DC 20036, phone 202-822-6070, or web site [www.afj.org](http://www.afj.org). Look under its menu item Bolder Advocacy. They also have a separate web site that offers particular guidance to Social Welfare, 501(c)(4) non-profits, namely [www.bolderAdvocacy.org](http://www.bolderAdvocacy.org).

In many states, non-profit organizations may exist to provide resources on forming a non-profit in that particular state and complying with the laws that apply in that state for a new non-profit. So, search the web to find such resources in your state in order to take advantage of the help that is available.



## Passing a Health Freedom Bill at Your State Legislature

You can do it! You absolutely have the power to bring an issue to your state legislature and advocate for it, and make changes in your laws. ***The more preparation you do before introducing legislation, the better chance you have in succeeding.*** Here are some of the preparatory steps: (This is not linear; some of them are going on simultaneously).

### What to Do Before You Go to the Legislature

- Join a Health Freedom Group or start your own. To find a Health Freedom organization in your state go to [www.nationalhealthfreedom.org](http://www.nationalhealthfreedom.org) Tel: 507- 663-9018 or call National Health Freedom Action at Tel: 507- 663-9018
- To find Sunshine Health Freedom Fund State Coordinators in your state that is in touch with the President Kirk Bashaw.

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### Identify the Problem in your state

Legislators often say: “If it isn’t broken, then we don’t want to fix it”. So, it is important to be able to articulate just what the problem is. Not only conceptually but legally because “bills” turn into “laws” and you would be asking a legislator to make a new law.

- In most states, holistic healers such as homeopaths, herbalists, naturopaths, and other non-licensed practitioners are at risk of criminal prosecutions for “practicing medicine without a license.” That is because the definition of the “practice of medicine” is very broad in the law and if you don’t have a license you can be charged. Some states have a list of exemptions from these charges such as Christian Scientist healers, or health professions that have their own license. Health freedom legislation solves this problem by designing an exemption from criminal practice of medicine charges and mandates that unlicensed practitioners provide consumers with disclosures.
- In addition to unlicensed persons, a licensed medical doctor, nurse, or dentist who utilizes new holistic healing techniques can lose their license in many states if they are practicing outside of the acceptable and prevailing standard of care for their profession. Almost 20 states have remedied this problem by passing laws that allow physicians to practice alternative medicine; however in most states except Florida, all other licensed professionals are vulnerable when practicing outside of prevailing practices.



## Draft a Health Freedom Bill to Fix the Problem

- Currently ten states already have freedom of access to unlicensed practitioner laws.** They are Minnesota, Rhode Island, California, Oklahoma, Idaho, Louisiana, Arizona, New Mexico, Colorado and Nevada. (To see copies of those laws passed go to [www.nationalhelathfreedom.org](http://www.nationalhelathfreedom.org) and click on the information center health-freedom-laws passed)
- Another fourteen states have introduced health freedom legislation at some point in time** and you can view those active bills by going to your state legislative home page and searching for bills having to do with complementary and alternative health care or unlicensed practices, or you can go to [www.nationalhealthfreedom.org](http://www.nationalhealthfreedom.org) and go to the state map and click on the individual state health freedom organizations which generally carry information about their bills in progress.
- To discuss drafting legislation contact national and state health freedom organization leaders for input. (See Appendix A for a list of national health freedom groups.)



## Finding and covering the cost of a local lobbyist

- Find a Professional Lobbyist or Designate a Citizen Lobbying Team**  
\* You need to have one person or a group of persons who will be 100% available to the sponsor of the new bill, a lobbyist. That lobbyist has to also be 100% available to the grassroots group and know and understand their wishes.

The most important qualities of a good lobbyist are:

- Experience at lobbying successful bills 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 bill 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 the changes and your proposed solution
- Fundraise to Cover Lobbying and Grassroots Mobilizing Costs**



The cost of a lobbyist is varied depending on a lobbyist's credential, whether they are in a large firm, and whether they have extensive lobbying expertise. Costs can range from between \$5,000 and \$50,000 per legislative session and session length varies by each state. Of course, some will charge much more and some much less and some may be willing to do the work at a reduced rate if the client is a non – profit or if the lobbyist personally supports the issues at hand. SOME lobbyists charge on a per month basis, (\$1-3000/month) and quit charging if the bill is not moving but not all do this so do be sure to read very carefully the contract that you have drawn up. Please understand that the fee can never be tied to the outcome, success or failure, of a piece of legislation.



## Approaching the Legislature and Finding a Sponsor

- Learn about the lobbying rules of your state legislature**  
State legislatures have laws regarding lobbying and they have a “lobbying office” where people must sign up to lobby depending on the rules of each state.
  
- Go to your state legislative Homepage (search for the state name with the word legislature) and learn about how a bill moves through the system and get acquainted with the legislative process in your state.** Learn everything from how many years for a session, to when session begins and ends, how to introduce a bill, when do bills go to committees, what it takes to pass them out of committees, how to get a bill passed in both the House of Representatives and Senate Chambers, what the process is for a final bill to get signed by the Governor.
  
- Find a Sponsor for your Health Freedom Bill**  
**Sponsors of the bill are the legislators who will Champion your health freedom bill**  
The most important qualities of a Sponsor are that:
  - They have a deep conviction for health freedom and in the need for the bill and that the solution being presented is the best avenue for remedying the problem
  - They have the political position and power to move a bill forward
  - That they enjoy working with grassroots groups and citizens
  
- Choosing your Sponsor is one of the top most important decisions you will make** regarding your bill passage. Consult with people who know the legislators. If you have hired a lobbyist, that person will be key in finding a Sponsor.
  
- Some believe that the Sponsor should be on the major policy committee** that will first hear the bill. For example, if the bill will be heard first in the health committee, or in the committee dealing with professions and regulation, some believe that you should pick a legislator who sits on that committee. That is a rule of thumb; however keep in mind that many really great sponsors are not on committees hearing the bill.
  
- Some also believe that the Sponsor should be of the party that is in the majority** in that house (Senate or House) i.e. If Democrats control the House and Republicans control the Senate, then get a Democratic Sponsor in the House and Republican Sponsor in the Senate. However, it is important to keep your issue as bipartisan as possible – show members of both parties how your concerns relate to them and their core values.
  
- Co-Sponsors:** There are Co-sponsors on bills too. Co-Sponsors and the rules for how many cosponsors are different for every state also. Co-sponsors generally can be from either or all parties and are supportive of the bill and generally vote for the bill and help the sponsor keep the Bill moving.



## Moving the Health Freedom Bill Through the Legislature

### ***Get Your Bill Introduced***

The bill language is generally reviewed by legislative counsel at the request of the Sponsor of the bill to make sure the language of the bill is exactly like the advocates wish it to be. Some Sponsors take an active role in reviewing the language of the bill and making suggestions for change. Other Sponsors will completely let it up to the advocacy group as to what the bill says. Once the language is approved the Sponsor submits it to the Legislature for Introduction. When a bill is introduced it receives a bill number.

### ***Once the Health Freedom Bill is Introduced Start Mobilizing the Grassroots and Constituents of Legislators***

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 handwritten 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 hearings 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.



***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. It then has to pass the Committees before it goes to the Floor for a vote by the entire legislature. 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.***

***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 along with the Sponsor of a bill is to convince the Chair of a Committee to put the bill on for hearing.

***The Hearings***

Once your bill will be heard efforts must be taken to assess and get the vote from committee members.

***Getting the vote of Committee members***

Getting the vote of members is the job of the health freedom group and the lobbyists. The job of the health freedom group and lobbyist is to educate the legislators so well that they are willing to stand by the bill as it is written and defend it and vote for it.

***Getting the Support of Influential Stakeholders***

Committee votes often reflect the opinions of influential political stakeholders in the community. Legislators listen to the concerns of leaders in the community. The number one asset in passing a bill is the positive relationships that you build with influential persons and legislators.



Relationships are the basis of politics. Network with important individuals and groups who are “stakeholders” in this issue.

***Subcommittees***

A Subcommittee is smaller than the full committee, sometimes as small as 3 persons or up to 10. It often offers a space for a good in depth look at a bill and has meetings that help interested parties come to creative solutions. Full participation by the health freedom advocates in subcommittee process is very important.

**Committee Deadlines**

Most states have committee deadlines which help the legislature keep their workload moving. The rule book and knowing the process for each state is extremely important so that groups can plan their strategies to keep a bill moving so that it does not die due to a legislative deadline.

**Amendments to your Bill**

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. However, since that is the goal, the discussion about possible changes to the bill is highly technical and political. It is important to have an attorney and key health freedom advocates available to consult with as changes are suggested to the bill. National Health Freedom Action attorneys are happy to consult with you and provide insights as your bill moves through this process.

**Your Health Freedom Bill goes to the Floor**

The Floor vote is an exciting time because the bill will be voted on by the entire House or Senate. When your 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. 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

**Identical Language in Both House and Senate**

Even if two identical bills were introduced into each body, the bills may not be identical after going through the Committee and Floor processes. Learn the rules from the Sponsor and from lobbyists and other politically experienced people when strategizing on next steps.

**The Road to the Governor**

Once the bill is passed in a final version by one or both houses then it needs to go to the Governor for signature. 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. In some states the Governor does not have to sign every bill before they go into effect. If a Governor does not sign a bill in some states it will go into effect on its own. Health freedom advocates prefer that the Governor sign their bill as a vote of confidence and approval of the public policy of the bill.

**A Call for Thanks and Celebration**



You did it. Personally, thank all those who participated in this process. Send personal handwritten thank you notes/cards along the way to any person who does a great deed. Send out mass emails and thank you messages to grassroots supporters. Make announcements on your Face Book page. Have a great celebration around the time of the Governor signing. Enjoy freedom.

## 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

- 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.
- A central Health Freedom coordinating organization within the state. A strong and efficient working group is essential for stopping legislation. In rare instances, one person can defeat legislation single-handedly, 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 interest 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.
- 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.



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 activist or a paid lobbyist or both. During session many conversations are taking place every day 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.



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. **Organizations that are members of the US Health Freedom Congress are valuable resources for local leaders.** National Health Freedom Action exists to provide assistance in understanding how bills that are introduced might impact health freedom, and how you can take actions to defeat dangerous bills or support good ones.

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

Have a Health Freedom Group Already in Place (See Section on Developing A Statewide Health Freedom Organization or Steering Committee)



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.
- Let's the group know where bills are headed and what kind of time frame and deadlines bills are under.
- Works 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.
- Knows 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.
- Spends 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 spokesperson.



**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

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



- System for steering committee to be in communication with each other daily and regular meetings

- System for notifying consumers about what is going on and when their voice is needed



- Set up a system to keep the lobbyist or advocacy group in communication with the health freedom team at all times

- System to keep the media informed



- 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.

## Get the Network Going and the Word Out:

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.



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 8/2005 5 hand-written letters, phone calls, emails, and Clinton Miller one page campaigns. Direct people as to when is the best timing for their contacts. Let them know when hearings 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.

## If a “Problem” Bill Is Moving



**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.

**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.



**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.

**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.***



**If a Bill Gets a Hearing 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.



**Getting the “No” vote of Committee members** Getting members to oppose a bill takes a strong lobbying effort. Individual meetings with each committee member are 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.*



**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.*



**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.



**Amendments to a Bill**

The goal of health freedom advocates regarding a bill that negatively impacts health freedom is to defeat 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.

**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.

**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.