

## Resolution # 7 - 2018 HOD

**TITLE:** A "Green Amendment"<sup>1</sup> to the New Jersey State Constitution as proposed by members of the New Jersey State Legislature<sup>2,3,4</sup>

**SPONSORED BY:** Hunterdon County

Whereas, New Jersey physicians are first and foremost concerned about the health and welfare of the citizens of New Jersey and the environment in which they live;

Whereas, the MSNJ recognizes that an environment free of all forms of pollution including air, water, soil and food contamination is essential to the public health and welfare of its citizens;

Whereas, the MSNJ recognizes that addressing these environmental and public health issues one at a time as they arise is necessary but is not sufficient to insure the integrity of the environment and the health of the New Jersey citizens;

Whereas, the MSNJ recognizes that "Green Amendments" in Montana<sup>5</sup> and Pennsylvania<sup>6,7</sup> which elevate the right to a clean and unpolluted environment to the level of other constitutionally guaranteed rights, have been successful in protecting the health and welfare of their citizens from adverse effects of environmental degradation and pollution; Therefore be it

**RESOLVED**, that based on environmental concerns and concern for the public health of the citizens of New Jersey, the MSNJ is in full support of the efforts of members of the New Jersey State Legislature to introduce and pass an amendment to the New Jersey State Constitution in order to help produce a clean and unpolluted environment that supports the public health of the citizens of New Jersey, now and for future generations.

**RESOLVED**, that MSNJ will notify the New Jersey State Legislature, the Governor's office, appropriate State agencies and the press of its desire to support this constitutional amendment.

### Footnotes:

1. Van Rossum, Maya; The Green Amendment: Securing our right to a healthy environment; Disruption Books; Austin Texas and New York; 2017.
2. <http://forthegenerations.org/constitutional-amendment-to-protect-environmental-rights-announced-in-new-jersey/>
3. <https://www.politico.com/states/new-jersey/story/2017/11/30/several-state-legislators-want-constitutional-right-to-clear-air-water-130017>
4. [http://www.pressofatlanticcity.com/business/bill-would-put-right-to-clean-environment-on-ballot-with/article\\_a8e4f2dd-a96a-53f1-afdb-039f1385dacf.html](http://www.pressofatlanticcity.com/business/bill-would-put-right-to-clean-environment-on-ballot-with/article_a8e4f2dd-a96a-53f1-afdb-039f1385dacf.html)
5. Van Rossum; Green Amendment, pages 48-49: *MEIC vs Montana DEQ 1999*.  
Note: "In the breakthrough case of *MEIC v Montana DEQ* (1999), the state Supreme Court ruled unanimously in favor of Montana's environmental health, rescinding the right of mining companies to irrevocably degrade the watershed."

6. i.b.id.; pages 10-11 (“...in September 2016, the Pennsylvania Supreme Court found additional provisions of Act 13 unconstitutional including the “medical gag rule.”)  
Note: The following quote is from page 8 regarding fracking in the Marcellus Shale and the medical gag rule which was overturned in 2016: “Doctors who treated patients suffering from exposure to the industry’s chemicals could only obtain information needed to help their patients if they signed non-disclosure agreements. They couldn’t share information about these chemicals with anyone, including other doctors who might help them properly diagnose and treat their patients.”
7. <https://stateimpact.npr.org/pennsylvania/2016/09/28/pa-supreme-court-rules-with-environmentalists-over-remaining-issues-in-act-13/> : *Robinson vs Commonwealth 2013.*