

HCS HJR 48, 50 & 57 -- HEALTH CARE SYSTEM PARTICIPATION

SPONSOR: Jones, 89 (Davis)

COMMITTEE ACTION: Voted "do pass" by the Special Committee on General Laws by a vote of 9 to 4.

Upon voter approval, this proposed constitutional amendment prohibits any person, employer, or health care provider from being compelled to participate in any health care system. Individuals and employers may pay directly for lawful health care services without being subject to fines or penalties, and health care providers can accept payment for health care services from individuals or employers without being subject to fines or penalties. The purchase or sale of health care insurance in private health care systems cannot be prohibited by law or rule.

FISCAL NOTE: Estimated Effect on General Revenue Fund of an income of \$0 or a cost of More than \$7,000,000 in FY 2011, an income of \$0 in FY 2012, and an income of \$0 in FY 2013. No impact on Other State Funds in FY 2011, FY 2012, and FY 2013.

PROPONENTS: Supporters say that this health care freedom amendment makes it clear that the federal government cannot take over the health care system and mandate the purchase of health insurance. Thirty-three states have filed legislation to oppose federal health care legislation. Individual states should retain power to regulate health care and allow individuals the freedom to choose health care in the open market. Federal health care mandates and taxes could bankrupt small businesses and greatly burden individuals. Individuals should have the right to choose whether or not to purchase goods and services. Many individuals do not purchase health insurance based on their religious beliefs.

Testifying for the bills were Representative Jones (89); Missouri State Medical Association; Laura Hausladen; Ron Keeven; Cindy McGhee; and Brenda Webb.

OPPONENTS: Those who oppose the bills say that if the federal legislation is ultimately upheld and the state is prohibited from enforcing any federal requirements that individuals purchase insurance, Missouri hospitals may lose Medicaid revenue and will not receive any benefit from mandated insurance payments. The result will be a massive net loss that could approach \$2.5 billion over a 10-year period for Missouri hospitals. Currently, hospitals are forced to provide emergency care without regard to whether cost recovery is possible.

Testifying against the bills was Missouri Hospital Association.

OTHERS: Others testifying on the bills say that the proposed federal legislation is likely to be ruled unconstitutional by the United States Supreme Court because a mandate to purchase goods or services is not authorized under the Commerce Clause of the United States Constitution. This mandate is unique and has not previously been attempted by the federal government. If the United States Congress lacks the enumerated power under the Commerce Clause to impose a mandate, Missouri is clearly free to enact a state constitutional provision ensuring an individual's right to choose his or her own health care.

Testifying on the bills was Dave Roland, Show-Me Institute.