



Written by [Ann Shibley](#) on June 30, 2009

States Plan on Opting Out of Obamacare

The states of [Indiana](#), [Minnesota](#), [New Mexico](#), [North Dakota](#), and [Wyoming](#) are all [proposing some sort of legislation](#) to unshackle themselves from what some describe as a trampling of state's rights by the federal government's passage of the healthcare reform package.

Arizona has already passed legislation entitled the *Health Care Freedom Act* that allows the ballot initiation to appear in 2010. FoxNews reports comments by one legislator on the subject: "Our health care freedoms are very much at risk by health care reforms proposed in Washington, D.C.," said Arizona state Rep. Nancy Barto, the Republican legislator who sponsored the measure. "We needed to act as a state to protect our citizens and ensure that they will always be able to buy their own health care and not be forced into a plan they don't want."



Arizona democratic state representative Phil Lopes believes rejection of Obamacare is like having legislators say that the system now in place is working, and he contends this: "This flies in the face of what the public tells us they want."

But the general public opposes the breadth and scope of Obama's plan, and many have let their legislators know about it.

The American Legislative Exchange Council (ALEC), an 1,800-member state legislator's organization has endorsed a resolution opposing federal healthcare. Wisconsin state Rep. Leah Vukmir, a Republican stated, "The real goal of national health insurance exchange isn't competition — it's a federal power grab that flies in the face of the Tenth Amendment."

(The Tenth Amendment expressly reserves to the people and to the states rights and powers not specifically delegated to the federal government. The Tenth Amendment was meant to be a limitation of powers applied against the federal government.)

Georgia State Senator Judson Hill echoed Vukmir's sentiments: "The public plan and national health insurance exchange will squeeze out private insurance and put us on the road to single-payer health care." He added, "Having the public plan now will mean socialized medicine later."

Yet Paul Bender, professor of constitutional law at Arizona State University, is ready to defend a national healthcare plan, noting that he has no doubt it would stand up to a court challenge. "It's hard to imagine Congress passing anything that would be plausibly challengeable under the Tenth Amendment, but it's certainly theoretically possible," he said, adding he believes that the sheer size of a



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national healthcare plan would make possible federal regulation under the interstate commerce banner. But the power to regulate interstate commerce does not apply in this case. Setting up a new company, in essence, and eliminating all competition to the point where eventually a monopoly exists in the area of federal healthcare is illegal and unconstitutional. Period.

It is state legislatures, though, who need to clean up their acts by loosening insurance regulations that are so tight there is little health-insurance competition in some states. This will promote more competition and in the bargain allow more plans and options for the public to choose from. The market, and the people, will take care of themselves.

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