

**ISSUE 3: PROPOSED CONSTITUTIONAL AMENDMENT CONCERNING
HEALTH CARE AND HEALTH CARE COVERAGE
(Proposed by Initiative Petition)**

To add a new Section 21 to Article I of the Ohio Constitution

A YES vote means approval of the amendment.

A NO vote means disapproval of the amendment.

A majority YES vote is required for the amendment to be adopted.

If approved, the proposed amendment will take effect 30 days after the election.

League Explanation of Issue 3: The amendment would add a section to Ohio's Bill of Rights exempting Ohioans from the requirement that individuals purchase a minimum amount of health insurance coverage (individual mandate). The requirement is found in The Patient Protection and Affordable Care Act (PPACA), a federal law passed March 19, 2010. The amendment would also apply to any similar federal, state or local law requiring participation in health insurance or a health care system. It would not apply to any law or rule in effect as of March 19, 2010. This would include health insurance coverage such as Medicare, Medicaid, workers' compensation, Social Security Disability, veterans' programs as of that date.

Generally, a state law, or a state constitutional provision, cannot overrule a federal law. The PPACA is currently being challenged in federal court as violating federal law. The provision exempting Ohioans from PPACA would likely have little or no effect on that challenge. However, if passed, the amendment could have a direct impact on any Ohio law (state or local) with an effective date after March 19, 2010. Ohioans would be exempted from any requirement imposed by the Ohio legislature, or by any of Ohio's counties or cities, which would require individuals to purchase health insurance. It is unclear how far that might extend and what the impact would be on such issues as workers' compensation, Medicaid, or health services operated by the state such as clinics at state universities.

Proponents of the proposed amendment argue that:

1. The freedom from being forced to purchase government-defined private health insurance is a fundamental right that should be embodied in the Ohio Bill of Rights.
2. Government must be prohibited from passing laws requiring purchase of health insurance coverage.
3. Ohioans should be able to vote on whether they want to be covered by government-defined health insurance.

Opponents of the proposed amendment argue that:

1. Without required participation the entirety of the PPACA might be declared to be unconstitutional. Some consequences would be that insurance companies could

- continue to exclude people, including children, with preexisting medical conditions from getting health insurance coverage, and continue to impose annual and lifetime caps on health care coverage.
2. Exempting Ohioans from requirements of a federal law violates the U.S. Constitution and should be struck down by the Courts.
 3. Changes the Ohio legislature has made to health insurance coverage since March 19, 2010 as well as future changes would be invalid. This would include needed changes to Medicaid, workers' compensation, and student health insurance.

Websites

In support of the proposed amendment: Ohioans for Healthcare Freedom

www.ohioansforhealthcarefreedom.org/

In opposition to the proposed amendment: Ohio Consumers for Health Coverage

<http://ohioconsumersforhealth.org/>