



## **Ohio Voters to Decide if They Must Comply with Federal Healthcare Law**

Ohio voters will decide in November whether a proposed state constitutional amendment should be enacted to overturn some portions of the Patient Protection and Affordable Care Act signed into law last year by President Barack Obama.

The legislation is often referred to as "Obamacare" and contained several provisions that were generally welcomed by the bleeding disorders community such as the elimination of lifetime caps on insurance and the requirement that insurance companies not deny policies to people based on a pre-existing condition.

Ohioans who oppose the federal act recently submitted petitions to Ohio Secretary of State John Husted with 546,000 signatures to get the proposed amendment placed on the November general election ballot.

Titled the Health Care Freedom Amendment, the proposed legislation is listed as Issue 3 on the November ballot.

According to the approved ballot language, "The proposed amendment provides that:

"In Ohio, no law or rule shall compel, directly or indirectly, any person, employer, or health care provider to participate in a health care system.

"In Ohio, no law or rule shall prohibit the purchase or sale of health care or health insurance.

"In Ohio, no law or rule shall impose a penalty or fine for the sale or purchase of health care or health insurance.

"The proposed amendment would not:

"Affect laws or rules in effect as of March 19, 2010.

"Affect which services a health care provider or hospital is required to perform or provide.

"Affect terms and conditions of government employment.

"Affect any laws calculated to deter fraud or punish wrongdoing in the health care industry.

"If approved, the amendment will be effective 30 days after the election."

If the ballot measure passes and Ohio's Constitution is amended, then things will get pretty complicated.

For one thing, states are not allowed to enforce laws that conflict with existing federal laws. The US Constitution makes this clear in Article VI, Clause 2, also known as the Supremacy Clause.

However, there is a caveat.

The Supremacy Clause only applies if the federal government is acting in pursuit of its constitutionally authorized powers, which begs the question of whether Congress had the Constitutional authority to enact the sweeping health care reform in the first place. If the law itself is unconstitutional, then the new Ohio law would be enforceable.

The National Hemophilia Foundation has never taken an official position on the health care bill as a whole, but rather advocated for specific provisions contained within the bill that were important to people with bleeding disorders. Regardless of whether you're for or against the ballot issue, the chapter felt it important to make you aware of the situation.