

**JOINT RESOLUTION REGARDING FEDERAL
HEALTH INSURANCE REFORM**

2010 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Michael T. Morley

Senate Sponsor: Margaret Dayton

Cosponsors:

Eric K. Hutchings

Paul Ray

LONG TITLE

General Description:

This joint resolution of the Legislature urges the United States Congress to refrain from passing certain federal health insurance reforms.

Highlighted Provisions:

This resolution:

- ▶ urges the United States Congress to refrain from instituting a new federal review, oversight, or preemption of state health insurance laws, to refrain from creating a federal health insurance exchange or connector, and to refrain from creating a federal health insurance public plan option.

Special Clauses:

None

Be it resolved by the Legislature of the state of Utah:

WHEREAS, the Tenth Amendment to the United States Constitution states, "The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people";

WHEREAS, the states primarily regulate today's health insurance market, provide aggressive oversight on all aspects of this market, and enforce consumer protection as well as ensure local, responsive presence for consumers;

WHEREAS, the state-based system of health insurance regulation has served all

30 interests well;

31 WHEREAS, the United States Congress is considering legislation that may impose
32 restrictions on states' ability to regulate health plans, including overriding already adopted
33 state patient protections;

34 WHEREAS, Congress is considering legislation that would mandate the purchase of
35 health care insurance by all Americans and require those who do not comply to pay a fine, in
36 effect unfairly forcing Americans to buy health insurance;

37 WHEREAS, the creation of a new federal system of regulation for health insurance
38 would be inefficient, unnecessary, not cost-effective, and an additional burden on the health
39 care delivery system;

40 WHEREAS, private sector health plans are leaders in innovations to improve quality,
41 benefits, and customer service that government-sponsored health plans have been slow to
42 adopt;

43 WHEREAS, Congress is considering legislation that would create a federal health
44 insurance exchange or connector to facilitate the purchase of health insurance by individuals
45 and small employers, including offering a new public plan option;

46 WHEREAS, a federal exchange would create conflicting state and federal rules,
47 resulting in consumer confusion and leading to adverse selection;

48 WHEREAS, a federal exchange would require substantial resources to create a new
49 federal entity that duplicates functions currently performed by states;

50 WHEREAS, a federal exchange would undermine states' oversight role in health
51 insurance and cause a substantial shift in the regulation of the health insurance market from
52 the states to the federal government;

53 WHEREAS, a federal exchange would undermine state authority to design programs
54 that reflect local needs;

55 WHEREAS, a new public plan would not improve competition, but would result in an
56 uneven playing field that would shift costs to the private sector and undermine private plans;

57 WHEREAS, a new public health insurance plan would be subject to constant federal

58 changes; and

59 WHEREAS, a new public plan is unnecessary in light of the private sector's product
60 offerings and innovations:

61 NOW, THEREFORE, BE IT RESOLVED that the Legislature of the state of Utah
62 urges the United States Congress to refrain from instituting a new federal review, oversight, or
63 preemption of state health insurance laws, refrain from creating a federal health insurance
64 exchange or connector, and refrain from creating a federal health insurance public plan option.

65 BE IT FURTHER RESOLVED that copies of this resolution be sent to the Majority
66 Leader of the United States Senate, the Speaker of the United States House of Representatives,
67 and to the members of Utah's congressional delegation.