

Representative Jacob L. Anderegg proposes the following substitute bill:

**NULLIFICATION OF THE PATIENT PROTECTION AND
AFFORDABLE CARE ACT**

2013 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Jacob L. Anderegg

Senate Sponsor: _____

LONG TITLE

General Description:

This bill amends the governor's programs related to the Health System Reform Act.

Highlighted Provisions:

This bill:

▶ prohibits the governor or the Department of Health from expanding Medicaid to the optional population under the Patient Protection and Affordable Care Act.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

ENACTS:

63M-1-2508, Utah Code Annotated 1953

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

Section 1. Section **63M-1-2508** is enacted to read:

63M-1-2508. Nullification of optional expansion of Medicaid under federal health



26 **care reform.**

27 (1) The purpose of this section is to respond to the United States Supreme Court ruling
28 in Nat'l Federation of Business v. Sebelius, Sec'y of Health and Human Services, 132 S.Ct.
29 2566 (2012) which stated:

30 (a) "In the typical case we look to the States to defend their prerogatives by adopting
31 'the simple expedient of not yielding' to federal blandishments when they do not want to
32 embrace the federal policies as their own. The States are separate and independent sovereigns.
33 Sometimes they have to act like it...'; and

34 (b) ". . . As for the Medicaid expansion, that portion of the Affordable Care Act
35 violates the Constitution by threatening existing Medicaid funding. Congress has no authority
36 to order the States to regulate according to its instructions. Congress may offer the States
37 grants and require the States to comply with accompanying conditions, but the States must
38 have a genuine choice whether to accept the offer. The States are given no such choice in this
39 case: They must either accept a basic change in the nature of Medicaid, or risk losing all
40 Medicaid funding. The remedy for that constitutional violation is to preclude the Federal
41 Government from imposing such a sanction. . . ."

42 (2) The Governor and the Department of Health shall not expand the state Medicaid
43 program to the optional expansion population under the Patient Protection and Affordable Care
44 Act, as permitted by the Supreme Court decision described in Subsection (1).