

1st Sub. H.B. 153

MEDICAID AMENDMENTS

HOUSE COMMITTEE AMENDMENTS

AMENDMENT 1

MARCH 6, 2013 3:59 PM

Representative **Jacob L. Anderegg** proposes the following amendments:

1. *Page 2, Lines 27 through 28:*

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

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

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

28 (3) The state shall not amend its state Medicaid plan to expand Medicaid eligibility to the optional Medicaid expansion population {~~under PPACA~~} as permitted by the Supreme Court decision described in Subsection (2) .