

HEALTH CARE CONSUMER CHOICES BILL

There are 2 approaches to consider that justify passing SB 163

1. **The 10th Amendment to the Constitution** reserves to the States powers not enumerated to the Federal Government. Regulating Health Insurance and allowing consumer's choices in their health insurance plan designs has ALWAYS been within the dominion and power of the States. .
 - a. This bill will offer "non-qualified" plans outside of the exchanges thereby offering Consumer Choices.
2. The second justification lies in PPACA itself. The PPACA law, in the section cited below – 1312 (2) – **consumer choices** - contains language recognizing that the PPACA law will NOT limit what States will allow to be offered OUTSIDE of an Exchange

From PPACA – **Justification for outside plans of ANY design.**

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SEC. 1312. CONSUMER CHOICE.

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(4) STATE LAW.—A State law requiring grandfathered health plans to be included in a pool described in paragraph (1) or (2) shall not apply.

(d) EMPOWERING CONSUMER CHOICE.—

(1) CONTINUED OPERATION OF MARKET OUTSIDE EXCHANGES.—Nothing in this title shall be construed to prohibit—

(A) a health insurance issuer from offering outside of an Exchange a health plan to a qualified individual or qualified employer; and

(B) a qualified individual from enrolling in, or a qualified employer from selecting for its employees, a health plan offered outside of an Exchange.

(2) CONTINUED OPERATION OF STATE BENEFIT REQUIREMENTS.—

Nothing in this title shall be construed to terminate, abridge, or limit the operation of any requirement under State law with respect to any policy or plan that is offered outside of an Exchange to offer benefits.

(3) VOLUNTARY NATURE OF AN EXCHANGE.—

(A) CHOICE TO ENROLL OR NOT TO ENROLL.—Nothing in this title shall be construed to restrict the choice of a qualified individual to enroll or not to enroll in a qualified health plan or to participate in an Exchange.

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