



## **Mississippi Senate Bills Would Take Steps Towards Nullification of Obamacare**

By Shane Trejo

Jan. 25, 2015

Two bills have been introduced in the Mississippi state Senate with provisions to protect health freedom in the state. These measures would prohibit the state from taking action to force participation in any health care system, or from penalizing people for choosing not to participate. Withdrawing state participation will severely cripple the federal act in the state.

SB2534 was introduced by State Sen. Angela Burks Hill (R-40) while SB2535 was introduced by State Sen. Michael Watson (R-51). These bills, both introduced on Jan. 9, would institute concrete state-level pushback measures against the unpopular Obamacare law.

SB2534 would “preserve the freedom of Mississippians to provide for their health care and to insure the preservation of a free market for health care in Mississippi, it is the public policy of this state that every person within Mississippi is and shall be free to pay directly for lawful health care services and shall not be required to pay penalties, taxes, fees, or fines for paying directly for lawful health care services.”

SB2535 states that “a person or employer may pay directly for lawful health care services and shall not be required to pay penalties or fines for paying directly for lawful health care services. A health care provider may accept direct payment for lawful health care services and shall not be required to pay penalties or fines for accepting direct payment from a person or employer for lawful health care services.”

Passage of these bills would powerful steps towards a nullification of Obamacare within the state of Mississippi. Michael Cannon of the CATO Institute has noted how this law would prohibit the state from supporting Obamacare in any way that helps the mandate:

In order to operate an exchange, state employees would have to determine eligibility for ObamaCare’s “premium assistance tax credits.” Those tax credits trigger penalties against employers (under the employer mandate) and residents (under the individual mandate). In addition, state employees would have to determine whether employers’ health benefits are

“affordable.” A negative determination results in fines against the employer. These are key functions of an exchange.

Ergo, if the state passes a law establishing an exchange, then that law would violate the state’s constitution by indirectly compelling employers and individual residents to participate in a health care system. That sort of law seems precisely what the Constitutional Amendment exists to prevent

Fox News Senior Judicial Analyst Judge Andrew Napolitano noted that such actions were not just legal, but effective. “If enough states do this, it will gut Obamacare because the federal government doesn’t have the resources...to go into each of the states if they start refusing,” he said.

Based on the long-standing principle known as the anti-commandeering doctrine, the legislation is on strong legal grounds. In four major cases from 1842 to 2012, the Supreme Court has consistently held that the federal government cannot “commandeer” states, requiring them to enforce or expend resources to participate in federal law or regulatory programs.

SB2534 and SB2535 would provide a solid foundation for further action. However, Mississippi needs to take more actions in the four-step plan to nullify Obamacare. That means that there is still much work that needs to be done to save the health freedom of Mississippi residents from federal intrusion. The bills are now in the Senate Insurance Committee. They will need to pass through their committee assignments successfully before they can receive full votes in the state senate.