

# THE DAILY CALLER

## Missouri bill would revoke insurers' licenses for accepting Obamacare subsidies

Posted By [Sarah Hurtubise](#) On 7:03 PM 01/14/2014

Missouri's legislature is considering legislation that will suspend insurers' state licenses if they accept federal subsidies for Obamacare health insurance premiums.

Republican state Sen. John Lamping filed the bill as "a legislative way by which the state actually could push back" against Obamacare, Lamping [told](#) St. Louis Today.

"Clearly, in Missouri, there's a very strong sense that they don't want this law," Lamping said, according to St. Louis Today. And the senator's claims ring true: Missourians have remained staunchly against the Affordable Care Act since its passage.

In 2010, a solid 71 percent of Missouri voters [opposed](#) the mandate in a ballot measure. Again in 2012, 62 percent of voters [chose](#) against a state-based Obamacare exchange. Missouri is served by HealthCare.gov instead of a state agency.

The Obamacare coverage offered in Missouri has also been considerably unpopular. Just 4,124 Missouri residents have selected an insurance plan on HealthCare.gov — just 3.5 percent of the state's goal to enroll 118,000 Missourians.

Lamping adopted his legislation from language provided by Michael Cannon, director of health policy at the libertarian Cato Institute. Cannon's 2012 joint paper with Jonathan Adler of Case Western Reserve's law school argues that Obamacare's language prohibits subsidies from going to states that don't choose to run their own exchange.

Cannon's argument has provided the basis of *Halbig v. Sebelius*, a case awaiting a decision from the D.C. Circuit Court of Appeals. In *Halbig*, four individuals taxpayers and three business owners have sued the federal government in the person of Department of Health and Human Services Kathleen Sebelius. They argue that the IRS is thwarting Congressional intent by going to states on the federal exchange and attempting both to tax employers and individuals and to issue subsidies to insurers.

Cannon has since worked to convince states to refuse to create their own exchange as a result. State Sen. Lamping has taken the legal argument to heart, and regardless of the circuit court's opinion, wants to keep Missouri insurers on what he believes to be the straight and narrow.

"The IRS does not trump Congress," Cannon told The Daily Caller News Foundation. Lamping's bill is "an attempt to use the powers that have always resided with the state to prevent President Obama from imposing illegal taxes on Missouri employers."

The rationale for restricting subsidies for state exchanges? Cannon has argued that Congress kept subsidies for state-based exchanges alone as a carrot for states to build their own exchange.

Because Missouri opted out of running its own marketplace, Lamping and Cannon argue, the subsidies, and the taxes on employers and individuals that come with them, are illegal according to Obamacare.

The bill will help Missourians, Cannon told TheDCNF, because "if the insurance company won't accept subsidies, there won't be any subsidies to trigger penalties against Missouri employers."

It's not Lamping's first try in getting the bill through Missouri's Senate. A spokesman for the senator told TheDCNF that he filed the bill for the first time last March, but it didn't make it through committee before the legislature adjourned in May.

Sen. Lamping is trying again in earnest this year. The legislature has just opened this week and Lamping has already filed his new version of the bill.

Meanwhile, the success of Lamping's bill will be tied to the *Halbig* suit that's currently awaiting a decision by the D.C. Circuit Court. "A final ruling in favor of the employers and individuals that are challenging the IRS's illegal taxes and subsidies," Cannon told TheDCNF, "would mean that the IRS couldn't issue those subsidies" in the first place, a tacit win for Lamping's legislation.

A final ruling in favor of the Obama administration's ability to issue subsidies on the federal Obamacare exchange, however, would make Lamping's bill "a much harder argument to make," Cannon said.

A spokesman for Lamping's office told TheDCNF that he expects the bill to be assigned to committee late this week and for it to receive a "lengthy hearing."

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