

Few individuals have taken legal action against federal health care rules

By [Adam B Sullivan](#) 8/6/10 12:30 PM

The Iowa man who [filed a lawsuit last week](#) against the U.S. Department of Health and Human Services over this year's federal health care reform is one of just a handful across the country, according to a libertarian legal scholar.

In Missouri, the lieutenant governor and three other citizens have [filed suit against the federal law](#), specifically challenging the mandate requiring citizens to purchase insurance. The Thomas More Law Center filed a suit [challenging the same mandate](#) on behalf of four Michigan residents. And in Arizona, the Goldwater Institute [plans to](#) file a suit against the law.

In addition to those cases and a couple other citizens' challenges, attorney generals in 21 states have signed on to lawsuits against the law. Iowa Attorney General [Tom Miller](#) says he won't join the effort, while his Republican opponent has [promised to](#).

Ilya Shapiro, who studies constitutional law at the libertarian think-tank Cato Institute, says cases filed on behalf of individuals differ from those filed by state governments. Individuals have a better standing to challenge the individual mandate, an oft-criticized measure of the legislation.

"If you haven't been harmed, you can't bring suit because you don't like things," Shapiro told The Iowa Independent. "Individuals have stronger power to challenge the individual mandate because they're being affected. States have strong standing to challenge other aspects of the health care law such as how it effects their agencies or budgets or otherwise infringes on prerogatives that are left to the state under the 10th amendment."