

## Publications

## Florida Judge Declares New Health Care Reform Law Unconstitutional

## Related Attorneys

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## AUTHORED ARTICLE | 2.1.2011

Yesterday, a federal judge in the Northern District of Florida (Pensacola) issued an opinion declaring the new health care reform law (the Patient Protection and Affordable Care Act or “PPACA”) unconstitutional because, according to the Court, the PPACA impermissibly characterizes the choice to purchase health insurance as an “activity” properly regulated under the Commerce Clause.

In the decision, the Court ruled in favor of the Florida Attorney General (joined by 25 other states’ Attorneys General), pursuant to a suit filed to overturn the new law. In his decision, U.S. District Judge Roger Vinson, ruled that an individual’s failure to buy health insurance is not an “activity,” for purposes of regulation under the Commerce Clause and, therefore, the new law’s inclusion of an “individual mandate” to purchase health insurance coverage was an unconstitutional expansion of Commerce Clause powers. In the decision, Vinson stated: “To now hold that Congress may regulate the so-called ‘economic decision’ to not purchase a product or service in anticipation of future consumption is a ‘bridge too far.’ It is without logical limitation and far exceeds the existing legal boundaries established by Supreme Court precedent.” Additionally, Vinson stated that the entire health care reform law must be declared void since the “individual mandate” is not severable from the rest of the law.

The Florida ruling creates a 2-2 split among the federal district courts that have addressed challenges to the constitutionality of PPACA (specifically, the individual health coverage mandate). These decisions do not themselves indicate that individuals, employers or states should alter their current plans relative to compliance with the PPACA. However, the Florida ruling may indicate further support for legislative or judicial action to alter certain provisions of the new law.

The Vorys Health Reform Team will continue to watch all PPACA developments and keep clients informed regarding implementation and compliance efforts. Contact your Vorys attorney with questions regarding this alert or other health care reform matters.