

"Healthcare Freedom Act" Ready for Governor's Signature

By Joe White
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After a year of fighting about President Obama's federal health care initiative, the Tennessee legislature has passed a bill saying the federal government can't make Tennesseans obey it.

Representative Terri Weaver of Smith County got the Health Care Freedom Act passed in the state House after batting down four amendments from House Democrats that would have softened its rhetoric.

Democrats tried to get policy statements added to say that the state legislature was in favor of several parts of the federal health care reform. Letting children stay on their parents' health insurance until they turn 26, for instance, or lifting dollar limits on lifetime treatment.

Weaver says those ideas had nothing to do with her bill.

"Basically, the bill is about freedom and liberty and they were adding healthcare scenarios that were not a part of this bill. Again, it's about choice. Tennesseans do not want the government running their healthcare."

Democrats called the bill an empty gesture, saying it's still pre-empted by federal law.

Last year, the measure failed on the last day of the legislative session when Republicans couldn't agree on its language. This year, the Republicans waved it through in both Senate and House.

It now goes to Republican Governor Bill Haslam for his signature.

WEB EXTRA

State Rep. Weaver tabled – killed – all the proposed amendments easily with majority Republican votes.

House Democratic Caucus Chair Mike Turner says the Health Care Freedom Act is an empty gesture.

"And here we are, we spent a lot of time on this today, the bill doesn't do anything, it's still pre-empted by federal law...it's probably be ruled...it's probably unconstitutional."

The bill is [SB 79 Beavers/HB 115 Weavers](#).

The bill passed the House 70-27. That vote is here (["Floor vote: passage on third consideration"](#)).

The House accepted a couple of Senate amendments which critics say contradict the overall message. Representative Mike Turner, Nashville Democrat, says the amendments allow the state to mandate health insurance on some people while refusing to accept a federal requirement that all people be responsible for buying their own insurance.

"But what they're saying is, you know, we want you to have a choice, yet they put two amendments on themselves, that made in certain circumstances, where the government could mandate health insurance."

Turner was talking about these two amendments attached onto the Senate bill and accepted by the House:

[Senate amendment one](#) allows state courts to continue to require that parents in a child custody situation pay for health insurance for their children.

[Senate amendment 2](#) allows employers to make it a condition of employment that workers participate in the employers' health insurance plan.

Weaver seemed unclear on the effect of the amendments.

"The amendments that were added on the Senate side, really, again, deals with choice...with the children, you know, the amendment about the kids wanting to have insurance or not... all, again, it's a choice."

Immediately after the bill passed, Weaver issued the following press release:

In an overwhelming show of force against the federal government's unconstitutional actions in the personal health care decisions of Tennesseans, the House of Representatives tonight voted by a 70 to 27 margin for final passage of the Tennessee Health Care Freedom Act.

The legislation, sponsored by Rep. Terri Lynn Weaver (R—Lancaster), provides that every person within Tennessee is free to choose or decline any mode of health care services without penalty or punishment from the government. Additionally, it ensures that Tennessee officials will be prohibited from interfering with the health care insurance decisions of every Tennessean.

Rep. Weaver released the following statement about the passage of her legislation:

"This is a great victory for those of us who still believe the Constitution matters. It is a victory for those of us who believe in individual rights and personal responsibility.

"By passing this legislation, Tennessee joins many other States in turning away from the extreme moves coming from Congress. I believe this bill sets a precedent for States finally beginning to protect their citizens from a federal government that taxes too much, controls too much, and regulates too much. More importantly, this bill allows us to save valuable jobs because Tennessee businesses will not have to bear the burden of onerous regulations that would have caused them to shoulder unbearable costs and shed workers.

"Tonight, with one voice that has been a long time coming, Tennessee tells Washington, 'no'."

Opponents of the Tennessee Health Care Freedom Act include the Tennessee Health Care Campaign and the Tennessee Justice Center. This is from a joint news release from the two organizations on Monday:

Beth Uselton, Executive Director of the Tennessee Health Care Campaign, a non-partisan patient advocacy organization, says that this legislation is a distraction from the larger problems in our health care system. "This bill which seeks to reject aspects of the new health care law does nothing to help solve the problems it addresses. We still have hundreds of thousands of neighbors who lack affordable access to health care or have been denied coverage because of a pre-existing medical condition. The Patient Protection and Affordable Care Act will address both of these problems by banning pre-existing condition exclusions and providing tax credits to help people afford coverage. Attempting to pass state laws that reject provisions of the federal law are a distraction from the real problems Tennessee families are facing."

Chris Coleman, an attorney with the Tennessee Justice Center, a non-profit public interest law firm, explains that the state law would have no real effect on implementation of the Affordable Care Act. "Under the U.S. Constitution, laws passed by the U.S. Congress are the supreme law of the land, notwithstanding anything in the constitution or laws of any state. This means that the Affordable Care Act, much to the dismay of its critics, is the supreme law of the United States and preempts any contrary state law. If the legislature believes the ACA is unconstitutional, then it may try to convince the Attorney General to join one the several lawsuits challenging the ACA. What it cannot do is nullify a duly enacted federal law in Tennessee. As a legal matter, this is not even close."

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