

# State Lawmakers Introduce Bill to Protect Delawareans from Healthcare Mandates

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For Immediate Release:**

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One week after the enactment of far-reaching national healthcare legislation, a group of state legislators has filed a bill designed to protect Delawareans from its mandates.

The Delaware Health Freedom Act specifies that Delawareans are free to choose, or decline to choose, all healthcare services, without penalty or threat of penalty. The bill further directs the state attorney general to enforce the provisions of the act and defend the State of Delaware against challenges to the law.

“This bill attempts to do two things I think are of extreme importance,” said State Rep. Deborah Hudson (R-Fairthorne). “First, it preserves Delawareans’ freedom of choice in matters of healthcare. Under this bill, our residents would have free will to join the government plan, continue with their private healthcare coverage, or pay for their healthcare out of their own pocket – without the threat of being bullied into a decision by the federal government. Secondly, it defends Delaware’s right to govern its own citizens.”

At least 34 states have filed or pre-filed similar legislation (including Pennsylvania, New Jersey, and Maryland). Of the remaining 16 states, legislators in at least five have indicated plans introduce comparable measures.

State Rep. Ruth Briggs King (R-Georgetown), who is also a sponsor on the Delaware Health Freedom Act, said the bill is a defense against the creeping intrusion by the federal government into the authority of state governments.

“The Constitution does not give the federal government the authority to force Delaware citizens to comply with healthcare mandates,” Rep. King said. Under the 10<sup>th</sup> Amendment of the U.S. Constitution, powers not specifically delegated to the federal government are reserved to the states.

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“This is more than a states’ rights issue,” Rep. King said. “It’s about the ability of average Delawareans to impact the decisions that shape their lives. Most people rightfully believe that their voices can’t be heard inside the Beltway. But in Delaware, you can meet with your legislators, even talk to the governor, and express your opinion. That’s why these issues are best handled locally, where government will actually be responsive to what its citizens want.”

Supporters of the bill note the federal government enacted the healthcare entitlement initiative, even though the majority of Americans opposed the plan. According to a “Rasmussen Reports” national telephone survey conducted the week before the plan’s enactment, 53-percent of those polled opposed the healthcare plan, while only 43-percent supported it.

State Rep. Tom Kovach (R-Brandywine Hundred South), who is a practicing attorney, said his sponsorship of the bill is based solely on its states’ rights aspect. “The approach the federal government is seeking to impose, which is beyond its Constitutional authority, may or may not be the best decision for Delaware. We have an absolute responsibility, as a state, to determine whether mandating coverage for our residents is in the best interests of the citizens of Delaware. This legislation serves only to exercise our state’s rights to safeguard our citizens’ liberty, allowing Delaware to decide for itself what’s in its best interests.”

State Rep. Greg Lavelle (R-Sharples) said the biggest questions about the federal healthcare law remain unanswered. “No one knows what impact this is going to have on the quality, price and availability of healthcare,” he said. “The federal Patient Protection and Affordable Care Act is thousands of pages long, many of the provisions won’t take effect for several years, and the actual implementation of those provisions will require the promulgation of new regulations by federal agencies – regulations that have not even been drafted as of yet. Why should our citizens be roped into decisions when they don’t know, can’t know, all the factors that will impact their choices?”

Additional sponsors on the bill include: State Reps. Gerald Hocker (R-Ocean View), Dick Cathcart (R-Middletown), Bill Oberle (R-Beecher’s Lot), Dan Short (R-Seaford), Dave Wilson (R-Cedar Creek Hundred), V. George Carey (R-Milford), Mike Ramone (R-Middle Run Valley), Biff Lee (R-Laurel) and Bobby Outten (R-Harrington) as well as Sens. Gary Simpson (R-Milford) and Colin Bonini (R-Dover South).

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“It’s disappointing not a single Democrat was willing to sign onto this,” said State House Minority Leader Richard Cathcart. “We sent a draft of this measure to all 62 state legislators and urged them to sign on as sponsors or co-sponsors. From private discussions, I know some Democrats agree with the intent of this bill, but they have apparently been asked not to sign on as a ploy to politicize this issue. We should be standing together to defend our citizens’ basic freedoms, as well as the fundamental authority of our state – points on which I think we share common ground. Instead, there seems to be a concerted effort to seek political advantage. That’s just sad.”

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