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Senate Joint Resolution K (Substitute S-1 as reported)
Sponsor: Senator Wayne Kuipers
Committee: Health Policy

CONTENT

Senate Joint Resolution K would add Section 28 to Article I of the State Constitution to:

- Prohibit a Federal law or rule from compelling any person, employer, or health care provider to participate in any health care system.
- Provide that a person or employer could not be penalized for paying directly for health care services, and a health care provider could not be penalized for accepting direct payment for those services.
- Provide that the purchase or sale of health insurance or coverage in private health care systems could not be prohibited by Federal law or rule.

The joint resolution provides that it would not affect the terms or conditions of any health care system to the extent that they did not have the effect of punishing a person or employer for paying directly for lawful health care services or a health care provider for accepting direct payment from a person or employer for such services. The joint resolution also provides that it would not do any of the following:

- Affect which health care services were permitted by law.
- Prohibit care provided pursuant to, or prohibit participation under, workers' compensation law or automobile no-fault law.
- Affect laws or rules in effect as of January 1, 2009.

Legislative Analyst: Julie Cassidy

FISCAL IMPACT

The joint resolution would contravene major provisions of the U.S. House and U.S. Senate health reform proposals, in particular the individual mandate to purchase health insurance. As no such Federal legislation has yet been enacted, the joint resolution at this point would preserve the status quo on these fronts and would have no fiscal impact. If such Federal legislation were enacted and if the joint resolution were approved and implemented, the end result would appear to resemble the status quo, so, again, there would be no fiscal impact from the joint resolution's ban on an individual mandate. One could note that there is the potential for secondary effects from the other provisions, but the statement that Section 28 would have no impact on laws or rules in effect as of January 1, 2009, would seem to offset that.

Date Completed: 2-26-10

Fiscal Analyst: Steve Angelotti

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