



State Question 756

S.Q. 756: Voters will have health care 'opt out' amendment in November

By Patrick B. McGuigan

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The continued political repercussions of the new federal health care law (commonly referred to as “ObamaCare”) will reach the statewide ballot in Oklahoma this November.

State Question 756 would amend the Oklahoma Constitution to prohibit any penalty for failure to purchase insurance and allow doctors to continue to accept direct payment.

The state question takes direct aim at a key component of the new federal law – the individual mandate, which requires all citizens to purchase health insurance or face financial penalties. Advocates asserted the state constitutional protection against the mandate would carry stronger impact than statutory assertions of independence from extension of federal power.

Senate Joint Resolution 59, which sent State Question 756 to the voters, is based on the American Legislative Exchange Council’s model Freedom of Choice in Health Care Act. State Sen. Dan Newberry (a Tulsa Republican) and state Rep. Mike Thompson (an Oklahoma City Republican) authored the legislation.

Supporters of the resolution said it gives Oklahomans a way to send a message to Washington after Congress enacted the new health care law in spite of polls showing strong opposition. Polls continue to show strong opposition to the new federal health care law, with some surveys finding that opposition exceeds 50 percent of voters.

Opponents noted that federal law supersedes state law when the two overlap and contradict, effectively making the proposed constitutional amendment a symbolic gesture that would not free Oklahomans of any unpopular federal mandate.

When the measure worked its way through the Legislature, Senate Joint Resolution 59 enjoyed strong, bipartisan support. It passed the Oklahoma Senate 30-13 and passed the Oklahoma House of Representatives 88-9.

In addition to sending State Question 756 to the voters, state lawmakers also voted to authorize legislative leaders to challenge the law in court.

That action came after Attorney General Drew Edmondson, a Democrat, opted not to challenge the federal law. At the time, Edmondson was seeking the Democratic nomination for governor (which he lost to Lieutenant Governor Jari Askins). Much of the support of the Democratic party's activist base favours the federal law, even if the general population does not.

Senate Concurrent Resolution 64, by state Sen. President Pro Tempore Glenn Coffee (R-Oklahoma City) and House Speaker Chris Bengtson (R-Tulsa), authorized legislative leaders to “employ legal counsel to file a lawsuit against the United States Congress, the President of the United States of America, and the Secretary of the United States Department of Health and Human Services to prevent the provisions” of the federal takeover of health care from taking effect.

Senate Concurrent Resolution 64 passed the state Senate by a vote of 29-17 and then cleared the Oklahoma House of Representatives 63-19.

Fresh controversy has arisen concerning the question, with concerns expressed by critics of the new federal health care law, saying Attorney General Drew Edmondson's “gist language” summarizing the meaning of the amendment is biased.

Measures similar to State Question 756 have already been enacted in statute form by the Virginia, Idaho, and Arizona legislatures, while Missouri was the first of four states to put the issue before voters. When Missouri citizens recently had the chance to express their views at the ballot, that's state's opt-out proposal passed with more than 70 percent of the vote.

In addition to Oklahoma, voters in Arizona and Florida will consider similar measures this fall.