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## Guest Editorial: Federal Healthcare Reform is Not Unconstitutional

By Lincoln Nehring, JD, Medicaid/CHIP Policy Director, Utah Health Policy Project

Attorney General Mark Shurtleff has joined with Senator Orrin Hatch and state lawmakers to launch a troubling new strategy for defeating national health reform. Instead of arguing against reform on specific policy grounds, they now claim that the reforms are *unconstitutional*. **Recent polling of Utah policy leaders by Utah Policy Daily** shows a predictable divide along party lines on the proper role of the federal and state government in enacting health reform. It is an important discussion, and no matter where it takes us, the public can always benefit from an occasional civics lesson. However, a quick glance at the details will confirm this is a policy debate, not a constitutional one.

In an effort to dispel the fear and demystify the Constitution on these questions, the Utah Health Policy Project has decided to open up the text and juxtapose the challengers' claims with the actual clauses defining the powers of Congress to enact laws. UHPP's full analysis can be read here: [http://www.healthpolicyproject.org/Publications\\_files/National/ConstitutionalityOfNationalReformPaper1-11-10.pdf](http://www.healthpolicyproject.org/Publications_files/National/ConstitutionalityOfNationalReformPaper1-11-10.pdf)

Article 1 Section 8 of the United States Constitution defines the power of Congress to enact laws. These powers are very broad by design, permitting the Congress to enact laws affecting everything from the military and tax policy to economic activity. Thanks to the broad latitude that Congress has to promote the general welfare, our nation has child labor laws, social security, and minimum wage laws. Congressional health reform proposals (including the mandate citizens purchase insurance; the creation of health insurance exchanges, and varied Medicaid payment levels to the states) fall well within these powers.

Ultimately, while critics of health reform may have valid arguments or disagreements on *policy* grounds, their constitutional claims are misguided and an unfortunate distraction from the very real need to solve the health care crisis that confronts us all.

tags: healthcare, utah health policy project

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