

# Judge Strikes Down Health Insurance Mandate

BY MARY ELLEN SCHNEIDER

The federal government cannot require individuals to purchase health insurance under the recently passed Affordable Care Act, according to a ruling by a U.S. District Court judge in Richmond, Va.

In his decision, Judge Henry E. Hudson wrote that it is outside the constitutional powers of Congress to regulate whether a person purchases a

product. As a result, his decision effectively severs section 1501 – the Minimum Essential Coverage provision – from the Affordable Care Act but leaves the remainder of the health reform law intact.

The case, *Commonwealth of Virginia v. Kathleen Sebelius*, was brought by Virginia Attorney General Ken Cuccinelli.

Mr. Cuccinelli was asking the court to grant an injunction against the implementation of the entire health reform

law if the individual mandate was deemed to be unconstitutional.

The U.S. Department of Justice is expected appeal the decision, which could end up in the Supreme Court.

However, if Judge Hudson's ruling stands, the removal of the individual mandate could create serious problems for the overall implementation of the Affordable Care Act.

In defending the law, lawyers for the federal government noted that the

success of other portions of the law, such as the provision barring insurers from discriminating against people based on pre-existing medical conditions, depends on the ability to insure all Americans.

This is the first time that opponents of the law have been successful in challenging a portion of the Affordable Care Act. Other challenges to the law in Michigan and Virginia have been dismissed. ■

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