

112TH CONGRESS
1ST SESSION

S. 244

To enable States to opt out of certain provisions of the Patient Protection and Affordable Care Act.

IN THE SENATE OF THE UNITED STATES

FEBRUARY 1, 2011

Mr. BARRASSO (for himself and Mr. GRAHAM) introduced the following bill;
which was read twice and referred to the Committee on Finance

A BILL

To enable States to opt out of certain provisions of the Patient Protection and Affordable Care Act.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “State Health Care
5 Choice Act”.

6 **SEC. 2. PURPOSE.**

7 It is the purpose of this Act to protect States’ rights
8 and to ensure that States have the option to continue to
9 implement State laws relating to health care delivery and
10 health insurance that were in effect prior to the date of

1 enactment of the Patient Protection and Affordable Care
2 Act (Public Law 111–148).

3 **SEC. 3. PROTECTION OF STATE FLEXIBILITY TO PROVIDE**
4 **HEALTH COVERAGE.**

5 (a) STATE OPT OUT OF CERTAIN PROVISIONS OF
6 PPACA.—

7 (1) IN GENERAL.—A State described in sub-
8 section (b) may elect to limit the application of any
9 or all of the provisions of the Patient Protection and
10 Affordable Care Act (Public Law 111–148) de-
11 scribed in paragraph (2) with respect to health in-
12 surance coverage within that State.

13 (2) PROVISIONS DESCRIBED.—The provisions of
14 the Patient Protection and Affordable Care Act de-
15 scribed in this paragraph are as follows:

16 (A) Subtitles A through C of title I (and
17 the amendments made by such subtitles), ex-
18 cept for sections 1253 and 1254.

19 (B) Parts I, II, III, and V of subtitle D of
20 title I (and the amendments made by such
21 parts).

22 (C) Part I of subtitle E of title I (and the
23 amendments made by such part).

24 (D) Subtitle F of title I (and the amend-
25 ments made by such part).

1 (E) Section 1561 (and the amendment
2 made by such section).

3 (F) Sections 2001 through 2006 and sub-
4 title C of title II (and the amendments made by
5 such sections and subtitle).

6 (G) Sections 10101 through 10107 (and
7 the amendments made by such sections).

8 (b) STATE DESCRIBED.—

9 (1) ENACTMENT OF STATE LAW.—A State de-
10 scribed in this subsection is a State that enacts a
11 law after the date of enactment of this Act that—

12 (A) expresses the intent of the State to opt
13 out of one or more of the provisions of the Pa-
14 tient Protection and Affordable Care Act (Pub-
15 lic Law 111–148) described in subsection (a);

16 (B) contains a list of the provisions of such
17 Act which will not apply to the State under the
18 State law; and

19 (C) expresses the intent of the State to
20 continue to administer health coverage-related
21 laws as in effect in the State on March 23,
22 2010, or that provides for the implementation
23 of related State laws enacted after such date.

24 (2) REPEAL.—If a State repeals a law de-
25 scribed in paragraph (1), the provisions of the Pa-

1 tient Protection and Affordable Care Act listed in
2 such law shall apply with respect to such State be-
3 ginning on the date of such repeal.

4 (c) REGULATIONS.—The Secretary, in consultation
5 with the Secretary of the Treasury, shall promulgate regu-
6 lations to provide for the implementation of this Act.

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