

HJR 202 STAFF MEASURE SUMMARY

Carrier: Rep. Greenlick

House Committee On Health Care**Action Date:** 02/11/20**Action:** Be adopted and rescind subsequent referral to Rules.**Vote:** 7-4-0-0**Yeas:** 7 - Alonso Leon, Greenlick, Keny-Guyer, Nosse, Prusak, Salinas, Schouten**Nays:** 4 - Drazan, Hayden, Moore-Green, Noble**Fiscal:** Fiscal impact issued**Revenue:** No revenue impact**Prepared By:** Oliver Droppers, LPRO Analyst**Meeting Dates:** 2/4, 2/6, 2/11**WHAT THE MEASURE DOES:**

Proposes amendment to Oregon Constitution requiring the state to ensure residents have access to affordable health care and to balance funding of public education and other essential health services. Requires amendment be submitted to the people for their approval or rejection at the next regular general election held throughout the state.

ISSUES DISCUSSED:

- Health care as a right; universal coverage for state residents
- Rescission of subsequent referral to House Committee on Rules
- Legislative record and substantive nature of the underlying policy
- Balance of public interest with individual rights in the Oregon Constitution
- State obligation upon affirming or codifying of rights in the Oregon Constitution
- Whether funding of public services is a Constitutional right; public interest balance provision
- Potential state obligation to fund health services; taxes to ensure sufficient revenue
- Provision pertaining to requiring the state to ensure "access" to health care
- Clarity prior to sending provision to Oregon voters

EFFECT OF AMENDMENT:

No amendment.

BACKGROUND:

Past national efforts for universal coverage, such as creating national health insurance or ensuring a federal right to health care, have been unsuccessful in the United States. The Congressional Research Service (2010) reports that state constitutions may provide constitutional rights that are more expansive than rights granted under the federal Constitution, since federal rights set the minimum standards for states. This is evident in that almost a third of states' constitutions recognize health explicitly or implicitly (Weeks Leonard 2009), with a range of views on state constitutionalism and states' roles with respect to individuals' health. Through constitutional expressions, states have recognized health care as a public health issue and state priority.

Several state legislators in 2005, along with a community coalition, sponsored a ballot initiative called "Hope for Oregon Families." In 2007 and 2008, Oregon House Joint Resolutions (HJR 18 and HJR 100) were introduced proposing an amendment to the Oregon Constitution proclaiming access to health care for Oregonians is a fundamental right. In 2015 and 2018, similar resolutions were introduced which, if passed, would have referred to the voters whether to amend the Oregon Constitution and establish health care as a fundamental right.

House Joint Resolution 202 refers to voters an amendment to the State Constitution on affordable health care for Oregon residents.