

SJR 12 STAFF MEASURE SUMMARY

House Committee On Health Care

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Sub-Referral To: House Committee On Rules

Meeting Dates: 5/6, 5/11

WHAT THE MEASURE DOES:

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

Senate Vote: *Passed. Ayes, 17; Nays, 13.*

FISCAL: *fiscal impact - see statement.*

REVENUE: *No revenue impact*

ISSUES DISCUSSED:

- Clinical effectiveness; health care affordability
- History of health reform in Oregon
- Health care as a right enshrined in other states' constitutions
- Legislative history of HOPE resolution
- Opinion from Legislative Counsel; balancing provision and allocation of public resources

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, respectively) were introduced proposing an amendment to the Oregon Constitution proclaiming access to health care for Oregonians is a fundamental right. In 2015, 2018, and 2020 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.

Senate Joint Resolution 12 refers to voters an amendment to the State Constitution on affordable health care for Oregon residents.