

# Amendment 63



*Colorado Legislative Council Staff*  
**FISCAL IMPACT STATEMENT**

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**Date:** September 1, 2010

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**BALLOT TITLE:** HEALTH CARE CHOICE

## Summary of Measure

Amendment 63 limits the state from making or enforcing laws that require a person to participate in any type of health insurance or other health care coverage plan, or restrict the right or ability of a person to make or receive direct payments for lawful health care services. It takes effect only if approved by voters at the 2010 general election.

## Summary of Assessment

Amendment 63 is assessed as having no fiscal impact because it does not require any specific actions be taken or services provided. It is possible that the amendment could prevent the state from taking steps to implement federal health care reform, which could result in a loss of federal funds provided to Colorado for this purpose. However, this scenario is not anticipated because the state is not expected to have a role in enforcing or certifying participation in a health insurance or other coverage plan. While some schools require or provide health care coverage for students, this analysis assumes that the proposed measure does not apply to state institutions of higher education.

## Background

*Federal Health Care Laws* recently enacted make a number of changes to the existing national health care system. Many of these changes take effect over a multi-year period and are to be implemented by the states. For instance, states are required to expand public health programs such as Medicaid to cover more people and create state-based insurance plans and exchanges for people to buy private health insurance. The initial funding for these programs is provided by monies from the federal government, which are reduced over time. A key provision of the federal law that is related to Amendment 63 is the requirement that, as of 2014, all persons have acceptable health care coverage or risk federal tax penalty. The state is not expected to have a role in enforcing this requirement, but federal rules implementing this requirement are not anticipated to be final until 2013.

*State Colleges and Universities* set policy for health care coverage among students on an individual basis. Some schools require all students to carry some sort of health care coverage, while others offer health insurance plans directly to students. State colleges and universities also enforce federal law and other policies, including those of the National Collegiate Athletic Association (NCAA), governing student health care coverage.