

[Patient Protection and Affordable Care Act of 2009 Declared Unconstitutional and Void](#)

Posted on January 31, 2011 by [John LeBlanc](#)

On January 31, 2011, United States District [Judge Roger Vinson](#), sitting in the Northern District of Florida, ruled that the Minimum Essential Coverage Provision in the [Patient Protection and Affordable Care Act of 2009](#) (“PPACA”), recently enacted by Congress, violated the [United States Constitution](#).

The Minimum Essential Coverage Provision – referred to as the “individual mandate” -- requires that most United States citizens purchase health insurance by 2014 or face a penalty included in the individual’s tax return.

Because he found that this provision was not severable from the remainder of the PPACA, Judge Vinson declared the entire PPACA void.

The lawsuit challenging the constitutionality of the PPACA was filed by the Attorneys General and/or the Governors of Alabama, Alaska, Arizona, Colorado, Florida, Georgia, Idaho, Indian, Iowa, Kansas, Louisiana, Maine, Michigan, Mississippi, Nebraska, Nevada, North Dakota, Ohio, Pennsylvania, South Carolina, South Dakota, Texas, Utah, Washington, Wisconsin, and Wyoming, along with two private citizens and the National Federation of Independent Business (collectively the “Plaintiffs”).

The Plaintiffs contended, among other items, that the individual mandate exceeded the power of Congress under both the [Commerce Clause](#) and [Necessary and Proper Clause](#) of the United States Constitution.

Judge Vinson agreed, explaining in a 78-page opinion, that the provision attempted to impermissibly regulate “economic inactivity,” as the Commerce Clause only permits Congress to regulate “activity.” A copy of Judge Vinson’s opinion can be found [here](#).

It is widely anticipated that the ultimate resolution of the constitutionality of the PPACA will be made by the [United States Supreme Court](#).