

## **What's the Fate of Obamacare. . . Unconstitutional?**

By [Brian Magargle](#) on August 17, 2011



The advocates of Obamacare are all wondering what an important new court decision means for the sweeping health care reform passed in March 2010. Late last week, the 11th Circuit Court of Appeals held a key provision of health care reform is *unconstitutional*, which could make the law difficult to enforce. See decision here: [11th Circuit Decision.pdf](#). Obamacare contains a provision known as the "individual mandate," which requires individuals who do not have coverage through their employer to buy insurance or face an annual tax penalty which will be as high as \$695 per year by 2016.

The 11th Circuit found that provision exceeds the constitutional authority of Congress, meaning that the federal government cannot force its citizens to buy insurance, and it cannot collect a penalty for citizens failing to do so. Many observers believe that if there is no penalty, there will be no incentive for uninsured individuals to obtain coverage.

The ruling is especially important because it *directly conflicts* with an earlier decision from the 6th Circuit Court of Appeals in Cincinnati announced in June. Because the most critical parts of Obamacare begin in 2014 and considering the division in court decisions as well as public opinion, we expect the U.S. Supreme Court will step into the fray in the next year or so.

Millions of Americans who face huge changes in their health care options can only hope that the highest court in the land will settle these controversial issues sooner than later.

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