

Ballot Measure 111 Right to Health Care Amendment

Ballot Title:

State must ensure affordable health care access, balanced against requirement to fund schools, other essential services.

Referendum:

This measure is a constitutional amendment passed by the Oregon Legislature and referred to the voters. The constitution will be amended only if the measure is approved by the voters.

Financial Impact:

The Oregon Financial Estimate Committee was unable to determine the measure's impact on government spending and revenue. The measure itself does not require any specific spending or revenue. Spending and revenue under this measure will be determined by the Legislature in the future.

Probable Results of a YES vote:

The Oregon Constitution will be amended to say that the state is obligated to ensure that Oregon residents have "access to cost-effective, clinically appropriate and affordable health care as a fundamental right." This right to health care must be balanced with the State's obligation to fund public schools and other essential services.

Probable Results of a NO vote:

The Oregon Constitution will remain unchanged.

Background:

Ballot Measure 111 was referred to the voters by the Oregon Legislature as a result of the passage of Senate Joint Resolution 12 (SJR 12) (2021) with a vote of 17 in favor and 13 against in the Senate and a vote of 34 in favor, 23 against and 3 excused in the House. The chief sponsors of the resolution were Democratic senator Elizabeth Steiner Hayward (District 17) and Democratic representative Rob Nosse (District 42).

The preamble to SJR 12 states the importance of access to health care for "opportunity, success, and quality of life," and that this access must be available to all Oregonians, regardless of circumstance. Currently, no explicit right to health care is guaranteed by Oregon's Constitution. Although the number of Oregonians without health insurance has decreased significantly since the Affordable Care Act was enacted in 2010, the American Community Survey found that 303,249 (8.8%) Oregonians under the age of 65 were uninsured in 2019. People who were insured had health insurance from Medicare, the military, Medicaid, their employers, or private non-group health insurance.

Proposal:

Ballot Measure 111, referred to the people of Oregon by the Legislature, would amend the Oregon Constitution to reflect the language approved by the Oregon Legislature in Senate Joint Resolution 12 (SJR 12). The constitutional amendment would establish "cost-effective, clinically appropriate and affordable health care as a fundamental right" for all Oregon residents. However, the resolution does not provide any funding or establish any laws or systems to carry out the right to health care. Therefore, any tangible changes to healthcare access as a result of this measure would happen only as a result of legislative, executive or judicial action.

Further, SJR 12 requires the state's obligation to guarantee health care to Oregonians be balanced with other state obligations, described as "public schools and other essential public services." If action, such as a lawsuit, is brought against the state, courts must take into account the requirement of the state to balance the various funding needs.

Supporters Say:

- There are gaps in the health system that leave some people uninsured, and even people who are insured sometimes find health care unaffordable.
- Lack of affordable and adequate health care hurts families' finances and prevents people from keeping jobs and going to school.
- Because health care is not currently a right, people suffer the negative health and financial impacts of denied or delayed care.

Opponents Say:

- The state is promising health care that it can't deliver.
- Government-controlled health care would degrade the quality of care by limiting choices and making Oregonians wait for important care.
- A government-controlled health care system is unfeasible. Oregon Catalyst cites a 2017 Legislative report, noting that it would cost over \$70 billion per budget cycle.