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Health Lobby Takes Fight to the States

By [DAVID D. KIRKPATRICK](#)

WASHINGTON — Like about a dozen other states, Florida is debating a proposed amendment to its state constitution that would try to block, at least symbolically, much of the proposed federal health care overhaul on the grounds that it tramples individual liberty.

But what unites the proposal's legislative backers is more than ideology. Its 42 co-sponsors, all Republicans, were almost all recipients of outsized campaign contributions from major health care interests, a total of about \$765,000 in 2008, according to a new [study by the National Institute on Money in State Politics](#), a nonpartisan group based in Helena, Mont.

It is just one example of how insurance companies, [hospitals](#) and other health care interests have been positioning themselves in statehouses around the country to influence the outcome of the proposed health care overhaul. Around the 2008 election, the groups that provide health care contributed about \$102 million to state political campaigns across the country, surpassing the \$89 million the same donors spent at the federal level, according to the institute.

Any federal legislation is likely to supersede state constitutional amendments. But backers of the state measures say they want to send a message to Congress and also lay groundwork for fights about elements of the health care package that are expected to be left up to the states.

Some proposals floated around Capitol Hill, for example, would allow individual states to “opt in” or “opt out” of regional [health insurance](#) markets or government-sponsored insurers.

“We would be essentially telegraphing our intentions,” said State Senator Carey Baker, a Florida Republican and lead sponsor of the state’s proposal. “If there was an opt-in, we are essentially stating now that we are not going to opt in.”

Advocates of a sweeping overhaul by the federal government, on the other hand, say the magnitude of the health care industry’s contributions shows the dangers of leaving such a question up to individual states, where campaign finance and ethics rules vary from strict to negligible.

“The states are the next battle,” said Richard Kirsch, national campaign manager for the liberal advocacy group Health Care for America Now, “and the insurers and health care industry are primed up and ready to go. The industry has enormous power at the state level, and very few states have state-level consumer groups that are able to lobby effectively against them.”

Last year, for example, the drug industry poured more than \$20 million into political contributions in states around the country. In California alone, the industry spent an additional \$80 million on advertising to beat back a California ballot measure intended to push down drug prices.

Now, speaking on condition of anonymity because the pharmaceutical trade group is officially backing the federal overhaul, industry lobbyists say they are eyeing Congressional proposals that would expand a state’s [Medicaid](#) obligations, and are preparing to fight efforts to make some of it up by paying less for drugs. (A spokeswoman for the National Conference of State Legislatures said many states were contemplating just that.)

The idea of amending state constitutions to block the core of the federal health care legislation, including the requirement that individuals and businesses buy insurance, began at the conservative Goldwater Institute in Arizona, the state where the first such measure will appear on the ballot next year.

“The measures are an opportunity for people to make their views known in a tangible way, to generate some rumble at the grass roots,” said [Clint Bolick](#), a lawyer at the Goldwater Institute who helped devise the idea.

From there, though, the concept was picked up by the American Legislative Exchange Council, a business-friendly conservative group that coordinates activity among statehouses. Five of the 24 members of its “free enterprise board” are executives of drug companies and its health care “task force” is overseen in part by a four-member panel composed of government-relations officials for the Blue Cross and Blue Shield Association of insurers, the medical company Johnson & Johnson and the drug makers Bayer and Hoffmann-La Roche.

The group adopted Arizona’s proposed amendment as a model, and it was introduced in 14 state legislatures around the country. Lawmakers in several others are reportedly considering it as well.

“We are trying to prepare, and trying to send a message that there is no reason for those decisions to get made at the federal level,” said Representative Linda L. Upmeyer, a Republican who is leading the council’s efforts in Iowa.

The states where the amendment has been introduced are also places where the health care industry has spent heavily on political contributions in recent years, according to figures from the National Institute on Money in State Politics. Over the last six years, health care interests have spent \$394 million on contributions in states around the country; about \$73 million of that went to those 14 states. Of that, health insurance companies spent \$18.2 million, according to the institute.


In Florida, where health interests have given a total of about \$32 million over the last six years, the state medical association has become an especially important backer of the proposed amendment. In contrast to the national [American Medical Association](#), the state chapter has come out firmly against the current Congressional proposals, and a spokeswoman said the Florida group had embraced the proposed state amendment “to protect Florida from being forced into a federal government mandate that would hurt patients.”

Dr. Madelyn E. Butler, president elect of the Florida Medical Association, said, “We are trying to ameliorate the effects of national [health care reform](#) on the State of Florida.”

James Greer, chairman of the Florida [Republican Party](#), said he too supported the proposal, which could be on the ballot in 2010 or more likely in 2012. Whatever its legal weight, Mr. Greer said, its mere presence on the ballot would give it political force.

“It will energize Republicans and independents who want to vote against Democrats and the policies of the Democratic Congress,” Mr. Greer said.

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