Sixth Circuit Upholds Constitutionality of Health Reform?Ã‡Ã–s Individual Mandate

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The Sixth Circuit this week became the first?Ã¡federal?Ã¡appellate court to issue a decision on the constitutionality of the Patient Protection and Affordable Care Act (?ÃÂ£PPACA?ÃÂ¥) by affirming a district court decision that PPACA's individual insurance mandate is constitutional.?Ã¡ In the case, a public interest law firm and four individuals challenged this mandate, which is effective in 2014, claiming that?Ã¡it unconstitutionally compels them to purchase health insurance. The district court held that the provision falls within Congress's authority under the Commerce Clause. On appeal, the Sixth Circuit affirmed, in a split decision, with two of the three judges upholding the mandate under the Commerce Clause, and each issuing his own opinion.?Ã¡ With respect to the Commerce Clause, the lead opinion found that the?Ã¡individual insurance mandate?Ã¡is a?Ã¡constitutional?Ã¡exercise of?Ã¡power under the Commerce Clause power because Congress had a rational basis for concluding that (1), in the aggregate,?Ã¡the practice of self-insuring for the cost of health care substantially affects interstate commerce, and?Ã¡(2) this mandate is essential to PPACA's larger reforms to the national markets in health care delivery and health insurance.?Ã¡ Similar challenges to the constitutionality of the individual mandate are?Ã¡being litigated?Ã¡in other federal appellate courts and?Ã¡it is expected that decisions?Ã¡will be issued?Ã¡later this year. *Thomas More Law Center v. Obama*, No. 10-2388, 2011 WL 2556039 (6th Cir. 2011).

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