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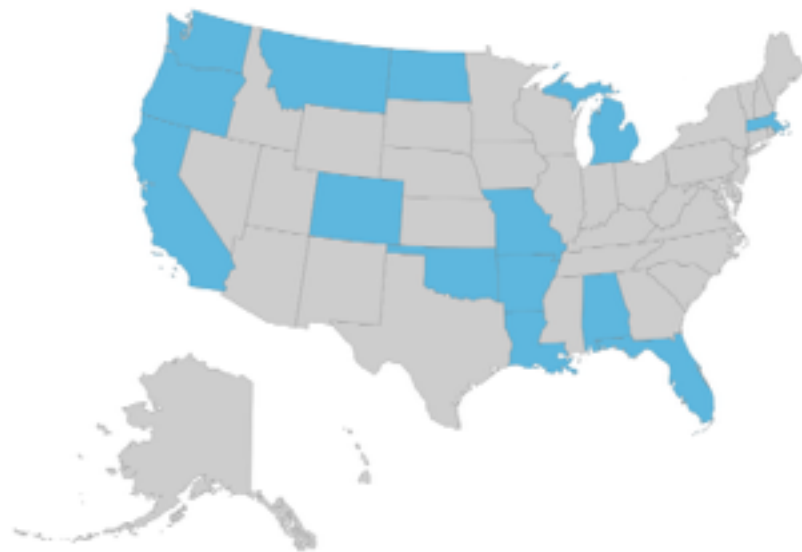
How I would vote on the 2012 state ballot measures related to health policy

By Jared Rhoads

On November 6th, 174 ballot measures will be decided across 38 states. Of these ballot measures, about twenty deal with healthcare, health policy, and/or drug policy. Some of the measures are not of high importance, but many of them are. Ballot measures are one of the more direct ways for citizens to craft the laws and policies that govern their states.

In the table below, I identify the health-related measures in this year's election, provide a brief summary, and offer my personal opinion on how I would vote if I were voting in each state.

Figure 1: States with health-related ballot measures in 2012.



As a preface, remember that few ballot initiatives—even the best ones—are without flaws. Some measures can be very difficult to judge because they involve false dichotomies. In the table, on some of the measures that I would be willing to support, I've also indicated what additional changes would have made the measure even better. What I've produced should be taken as a brief guide, not a detailed analysis.

Table 1: State ballot initiatives, with summary and opinion.

State	ID	Summary	My View
Alabama	#6	This proposal would amend the Alabama state Constitution to prohibit any person, employer, or health care provider from being compelled to participate in any health care system. This amendment would block certain provisions of the 2010 federal health reform law (the Affordable Health Care Act) from taking effect in the state.	I would vote YES on this proposed amendment. Setting aside possible concerns about the locus of federal versus state power, it is improper to force individuals to participate in a healthcare system designed or run by the government.
Arkansas	#5	This is a proposal to authorize the use of medical marijuana in the state. Individuals who choose to use marijuana for medical purposes would be free from legal penalty. Cards would be issued by the state Department of Health to allow individuals to purchase and carry marijuana for medical purposes. Medical marijuana would be purchased from dispensaries or individuals could grow up to six marijuana plants themselves.	I would vote YES on this ballot initiative. Marijuana should not be illegal in general, and it certainly should not be illegal for medicinal use. This initiative would be even better if the dispensaries were not limited to non-profits and if the matter of prescribing medical marijuana were left to patients and their physicians rather than be subject to a state-established list of qualifying conditions.
California	#37	This is a proposition to require special labeling on food products if the food is made from plants or animals that have been genetically engineered. Certified organic foods would be exempt, as would foods that are "unintentionally produced with genetically engineered material."	I would vote NO on this proposition. It is not proper for the government to make laws regulating food labels. It is, and should be, illegal for a company to fraudulently claim that their food is not genetically modified if it is, or that their food <i>is</i> genetically modified if it is not. But, more to the point, companies also have the right to <i>not</i> disclose this information. Of course, by doing so, they risk negative backlash from consumers who may decide that they would prefer to purchase food and products from companies that <i>do</i> provide this labeling. That's how free markets regulate themselves voluntarily.

State	ID	Summary	My View
Colorado	#64	This amendment would legalize the recreational use of marijuana, with regulations. Individuals aged 21 years and older would be able to consume or possess limited amounts of marijuana. The state would tax the drug, and the first \$40 million in revenue raised annually by the tax would be given to public schools. The amendment also allows for the cultivation, processing, and sale of industrial hemp.	I would vote YES on this amendment. The use of marijuana should not be illegal. The amendment would not change existing laws regarding operating a vehicle under the influence of marijuana, nor does it alter existing laws regarding medical marijuana usage. This initiative would be better if it were not accompanied by a requirement to impose an excise tax.
Florida	#1	This proposal would amend the state constitution to prohibit laws from compelling individuals and employers to purchase health insurance coverage, and to permit individuals to purchase healthcare services directly from healthcare providers. This amendment would apply to laws in effect as of March 1, 2010, which means that it would apply to the federal health reform law.	I would vote YES on this amendment. Setting aside possible concerns about the locus of federal versus state power, it is improper for the government to force individuals to purchase a healthcare product they do not wish to purchase.
Florida	#6	This proposal would amend the state constitution to prohibit public funds from being used to pay for abortions or to pay for health insurance that includes coverage of abortion, except as required by federal law and to save the mother's life.	I would vote YES on this amendment. This amendment would not make abortion illegal; it only prohibits the use of public funds to pay for abortions. Individuals do not have a right to force others to pay for their medical procedures.
Louisiana	#1	This proposal would amend the state constitution to prohibit Medicaid funds given to the state by the federal government from being used for other purposes. The rule would specifically protect Medicaid funds for the elderly from being redirected to other uses, and it would specifically apply to adjustments made in order to eliminate a state deficit.	I do not feel strongly either way about this amendment. In the interest of transparency and because the funds in question come from a federal source, it may be reasonable to require that funds be used as originally intended and not redirected. However, administering Medicaid for the elderly is not a proper role for the government, and it cannot be known in advance whether the funds that would otherwise be redirected would be redirected to activities that are more or less legitimate.

State	ID	Summary	My View
Massachusetts	#2	This is a proposal to allow physicians licensed in Massachusetts to prescribe medications, at the request of terminally-ill patients meeting certain conditions, to end that person's life. Several conditions would have to be met. For instance, only terminally ill patients with six months or less to live can make the request, and the patient requesting the medication must be mentally capable of making the decision. Additional requirements would also apply to physicians involved.	I would vote YES on this ballot initiative. Patients ought to be free to make arrangements that would control or improve the circumstances surrounding their death. The state should not be able to intervene.
Massachusetts	#3	This is a proposal to eliminate state criminal and civil penalties related to the medical use of marijuana. It would allow patients to obtain marijuana produced and distributed by new state-regulated centers or, in certain cases, to grow marijuana for their own use.	I would vote YES on this ballot initiative. Marijuana should not be illegal in general, and it certainly should not be illegal for medicinal use. This proposal would be even better if the new dispensaries were not state-regulated.
Michigan	#4	This proposal would amend the Michigan constitution to let home health care providers bargain collectively with the Michigan Quality Home Care Council (MQHCC). The amendment would require MQHCC to provide training for in-home care workers, create a registry of workers who pass background checks, and provide financial help to patients to purchase in-home care. The amendment would also authorize the MQHCC to set minimum compensation standards and terms and conditions of employment.	I would vote NO on this amendment. The state government should not be involved in the financing of personal care services. While some parts of the proposal are reasonable in the sense of making this function safer and more efficient, the long-run effect is that it would further entrench the government in the home care industry.
Missouri	B	This proposal would amend Missouri law to impose an additional \$1 tax on packages of cigarettes. The money raised would fund a Health and Education Trust Fund. The tax would apply to a wide array of tobacco products, including roll-your-own tobacco.	I would vote NO on this ballot initiative. Individuals should be allowed to purchase cigarettes without being subjected to punitive taxation. Individuals should also be responsible for their own healthcare costs.

State	ID	Summary	My View
Missouri	E	This proposal would prohibit the creation of a health insurance exchange unless created by statute, initiative, or referendum, or by the federal government. The intent of the proposal is to prohibit the Governor of Missouri establishing a health insurance exchange without the approval of voters or the state's legislature.	I would vote YES on this ballot initiative. Establishing a publicly-funded health insurance exchange would invite the federal health reform law into the state. Tenth Amendment issues aside, blocking an exchange that through this measure would protect Missourians from the federal health reform law.
Montana	#122	This proposal would prohibit the state or federal government from mandating the purchase of health insurance or imposing taxes or penalties for decisions related to the purchase of health insurance. Three instances in which the prohibition would <i>not</i> apply are individuals named in judicial disputes, cases of child support enforcement actions, and students of the Montana state university system.	I would vote FOR this ballot initiative. Individuals should not be required to purchase health insurance against their judgment. It is not clear that all of the exceptions are necessary, but they are not important enough to drive this ballot decision anyway.
Montana	#124	This proposal would repeal Montana's 2004 law allowing the use of medical marijuana and replace it with a more restrictive law that regulates who qualifies to register for medical marijuana, limits the number of people a provider can distribute to, and bans profits for providing it.	I would vote AGAINST this ballot initiative. In 2004, Montana voters rightly approved an initiative allowing medical marijuana for patients with debilitating medical conditions. The law was recently changed to be more restrictive. The ballot question before voters in the upcoming election, if approved, would repeal the newer law and reinstate the less restrictive 2004 voter-approved medical marijuana law.
North Dakota	#4	This proposal would enact a statute that would ban smoking in all indoor workplaces. Locations would include public places and most places of employment, including certain outdoor areas. So-called e-cigarettes would be included in the ban. There would be penalties for violations.	I would vote NO on this ballot initiative. Whether smoking is allowed on a particular premises should be determined privately by the owner of that property.

State	ID	Summary	My View
Oklahoma	#765	This proposal would abolish the Oklahoma Department of Human Services, the Oklahoma Commission of Human Services, and the position of Director of the Oklahoma Department of Human Services. The power to establish policy and adopt rules and regulations currently held by the Commission of Human Services would be transferred to the Oklahoma Legislature. The Legislature would be authorized to create a new department to administer laws providing for the care of the aged and the needy.	I would vote YES on this ballot initiative. The movement to abolish an unnecessary health and welfare department is, at least ostensibly, a move toward more limited government. Unfortunately, the wording of this initiative is so vague that successful passage of this measure will likely result in little or no actual change.
Oregon	#80	This proposal would legalize cannabis and create a seven-person commission to regulate the cultivation and sale of cannabis in the state of Oregon. It would allow cultivation and sale to adults through state-licensed stores, and allow unlicensed adult personal cultivation and use. (Currently in the state of Oregon, marijuana cultivation, possession, and delivery are prohibited while medical marijuana use is permitted but regulated.)	I would vote YES on this ballot initiative. The loosening of state laws surrounding marijuana is a positive step toward a more rational drug policy. This initiative would be better if it did not establish a regulatory commission.
Washington	#502	This proposal would legalize the production, possession, delivery, and distribution of marijuana. It would regulate the sale of small amounts of marijuana to people 21 and older. Farms and food processors would be licensed by the Washington State Liquor Control Board. The measure would also make it illegal for a motorist to have more than 5 nanograms of THC per milliliter of blood in their system.	I would vote YES on this ballot initiative. Marijuana should not be illegal. This proposal would be even better if farm and food processors were not subject to state licensing. Nevertheless, it is a step toward a more rational drug policy.

Note that the summaries presented above are not the actual text that will appear on ballots. For some measures, there are many details and exceptions that have been left out for the purpose of readability. Be sure to read the full text on your ballot when you go to vote—do not just go by what is written here.

Good luck at the polls.