COMMONWEALTH OF VIRGINIA v. SEBELIS

QUESTIONS BEFORE THIS COURT

* Questions Before this U.S. Superior Court

**Section 1501 of the Patient Protection and Affordable Care Act, Pub.L.No. 11-148, 124 Stat. 119 (2010) requires individuals to either obtain a minimum level of health insurance coverage or pay a penalty for failing to do so. Section 1501 is directly at tension with Virginia code Section 38.2-3430.1:1 2010, commonly referred to as the Virginia Health Care Freedom Act.**

***Question #1: Does Section 1501 exceed the power of Congress under the Commerce Clause and General Welfare of the United States Constitution?***

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**Alternatively, the Commonwealth maintains that Section 1501 is in direct conflict with the Virginia Health Care Freedom Act. The Commonwealth argues that the enactment of Section 1501 therefore encroaches on the sovereignty of the Commonwealth and offends the Tenth Amendment to the Constitution.**

***Question #2: Does Section 1501 encroach on the sovereignty of the Commonwealth and offend the Tenth Amendment to the Constitution enjoyed by the states?***

* Questions (Continued)

**The Commonwealth contends that requiring an otherwise unwilling individual to purchase a good or service from a private vendor is beyond the outer limits of the Commerce Clause. In the Commonwealth’s view, the failure – or refusal- of a citizen to elect to purchase health insurance is not “economic activity” and therefore not subject to federal regulation under the Commerce Clause.**

***Question #3: Is the provision under Section 1501, requiring individuals to obtain a minimum level of health care insurance, beyond the outer limits of the Commerce Clause?***

***Question #4: Does Congress have the power to regulate – and tax- a citizen’s decision not to participate in interstate commerce?***