



STATE OF NORTH CAROLINA
OFFICE OF THE GOVERNOR
20301 MAIL SERVICE CENTER • RALEIGH, NC 27699-0301

BEVERLY EAVES PERDUE
GOVERNOR

March 5, 2011

GOVERNOR'S OBJECTIONS AND VETO MESSAGE

House Bill 2, "An Act to Protect the Freedom to Choose Health Care and Health Insurance."

House Bill 2 is unenforceable because it purports to make North Carolina and its citizens exempt from the requirements of the Patient Protection and Affordable Care Act ("ACA") passed by Congress. No such exemption exists under the ACA. The Supremacy Clause of the United States Constitution provides that state legislatures cannot enact laws that are – like House Bill 2 -- contrary to federal law.

Furthermore, the enactment of House Bill 2 has no bearing on the constitutionality of the federal healthcare mandate contained in the ACA. Twenty-seven states have already filed lawsuits challenging the constitutionality of that mandate. That issue will ultimately be decided by the United States Supreme Court.

Finally, the Attorney General has identified conflicts between House Bill 2 and existing State law in a number of important areas. According to the Attorney General, House Bill 2 stands to jeopardize North Carolina's Medicaid program and potentially creates adverse impacts on the Child Health Insurance Program and State laws addressing uninsured motorist coverage and the sale of over-the-counter drugs. The Attorney General has further cautioned that additional unintended consequences resulting from House Bill 2 may come to light, pushing our State into costly and protracted litigation.

For these reasons, House Bill 2 is inconsistent with my responsibility as Governor to protect the welfare of North Carolina's citizens.

Therefore, I veto this bill.

A handwritten signature in black ink, appearing to read "Beverly Eaves Perdue", written over a horizontal line.

Beverly Eaves Perdue

This bill having been vetoed is returned to the Clerk of the North Carolina House of Representatives on this 5th day of March 2011, at 1:55pm for reconsideration by that body.

RECEIVED FROM GOVERNOR

MAR 05 2011 2:19 pm

Kemie Weeks

