

112TH CONGRESS
1ST SESSION

S. 1587

To enable States to opt out of the Medicaid expansion-related provisions of the Patient Protection and Affordable Care Act.

IN THE SENATE OF THE UNITED STATES

SEPTEMBER 21, 2011

Mr. GRAHAM (for himself and Mr. BARRASSO) introduced the following bill;
which was read twice and referred to the Committee on Finance

A BILL

To enable States to opt out of the Medicaid expansion-related provisions of the Patient Protection and Affordable Care Act.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Medicaid Flexibility
5 for States Act”.

6 **SEC. 2. PROTECTION OF STATE MEDICAID FLEXIBILITY.**

7 (a) STATE OPT OUT OF MEDICAID EXPANSION-RE-
8 LATED PROVISIONS OF PPACA.—A State described in
9 subsection (b) may elect to limit the application of any
10 or all of the following provisions of the Patient Protection

1 and Affordable Care Act (Public Law 111–148) with re-
2 spect to the Medicaid program within that State:

3 (1) The amendments made by sections 2001
4 through 2006 and subtitle C of title II.

5 (2) The amendments made by subsections (a),
6 (b), and (c) of section 10201.

7 (b) STATE DESCRIBED.—

8 (1) ENACTMENT OF STATE LAW.—A State de-
9 scribed in this subsection is a State that enacts a
10 law after the date of enactment of this Act that—

11 (A) expresses the intent of the State to opt
12 out of one or more of the provisions of the Pa-
13 tient Protection and Affordable Care Act (Pub-
14 lic Law 111–148) described in subsection (a);
15 and

16 (B) contains a list of the provisions of such
17 Act which will not apply to the State under the
18 State law.

19 (2) REPEAL.—If a State repeals a law de-
20 scribed in paragraph (1), the provisions of the Pa-
21 tient Protection and Affordable Care Act listed in
22 such law shall apply with respect to such State be-
23 ginning on the date of such repeal.

1 (c) REGULATIONS.—The Secretary of Health and
2 Human Services shall promulgate regulations to provide
3 for the implementation of this Act.

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