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TO THE HOUSE COMMITTEE ON  
CONSUMER PROTECTION & COMMERCE

TWENTY-SIXTH LEGISLATURE  
Regular Session of 2011

Wednesday, March 30, 2011  
2:05 p.m.

**TESTIMONY ON SENATE BILL NO. 1273, S.D. 1 – RELATING TO HEALTH  
INSURANCE.**

TO THE HONORABLE ROBERT N. HERKES, CHAIR, AND MEMBERS OF THE  
COMMITTEE:

My name is Gordon Ito, State Insurance Commissioner, testifying on behalf of the Department of Commerce and Consumer Affairs ("Department"). The Department supports this Administration bill which allows the Insurance Commissioner to enforce the federal Patient Protection and Affordable Care Act ("PPACA").

On July 12, 2010, Secretary Kathleen Sebelius of the federal Department of Health and Human Services wrote a letter to Governor Linda Lingle in which she stated that she sought a partnership between the federal and state government in enforcing the PPACA. The response by Governor Lingle dated July 28, 2010 indicated that the State did not have the technical authority to enforce federal law. Secretary Sebelius sent a follow-up letter dated August 24, 2010 in which she stated that "Our hope is that each state will take the lead in enforcing these Affordable Care Act provisions to ensure that its citizens receive their protections." Governor Lingle again responded that while we wanted to help enforce PPACA, we would probably need legislation to clarify the State's authority to do that.

Given that the federal government wishes the states to enforce PPACA, we recommend that this bill be passed to clarify that we have the authority to do that. If we do not obtain this clarification, attempts at enforcement could potentially be challenged.

We thank this Committee for the opportunity to present testimony on this matter and ask for your favorable consideration.