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QuickPoint! – If Health Care Becomes a “Fundamental Right,” Who Pays for It?

By Steve Buckstein

The Oregon House of Representatives has voted for [HJR 203](#), which would add a section to the [Oregon Constitution](#) making health care a “fundamental right.” If passed by the Senate, voters will be asked in November to put this language in our Constitution:

“It is the obligation of the state to ensure that every resident of Oregon has access to cost-effective, medically appropriate and affordable health care as a fundamental right.”

I object to defining health care as a right on a philosophical level, because in America rights don’t come from government; government protects our natural or God-given rights. But on a political level, I understand that government tries to grant such rights all the time.

A key argument against this proposal is the recognition that a “fundamental right” to health care would seem to trump everything else, since the Oregon Constitution doesn’t currently recognize any other “fundamental rights.” If the legislature tries to make good on this “fundamental right,” what happens when voters reject the new taxes needed to pay for it?

The unintended consequences of codifying health care as a “fundamental right” are almost endless. But that’s the way the game is played for now, and the next inning will play out in the Oregon Senate before the end of this [short legislative session](#).

Steve Buckstein is Senior Policy Analyst and Founder of Cascade Policy Institute, Oregon’s free market public policy research organization.