

1 States of America created the Federal Government to be their agent
2 for certain enumerated purposes and nothing more.

3 (2) The Tenth Amendment to the United States Constitution
4 defines the total scope of federal power as being that which has
5 been delegated by the people of the several states to the Federal
6 Government and all power not delegated to the Federal Government in
7 the Constitution of the United States is reserved to the states
8 respectively or to the people themselves. Furthermore, as stated
9 in the Ninth Amendment, "the enumeration in the Constitution, of
10 certain rights, shall not be construed to deny or disparage others
11 retained by the people."

12 (3) The assumption that the Federal Government has made by
13 enacting the Patient Protection and Affordable Care Act (P.L. 111-
14 148) and the Health Care and Education Reconciliation Act of 2010
15 (P.L. 111-152) is nowhere expressly granted by the United States
16 Constitution and interferes with the right of the people of this
17 state to regulate health care as they see fit.

18 **§16-45-2. General Provisions.**

19 (a) This state declares that the Patient Protection and
20 Affordable Care Act (P.L. 111-148) and the Health Care and
21 Education Reconciliation Act of 2010 (P.L. 111-152) are not
22 authorized by the Constitution of the United States and violates
23 its true meaning and intent as given by the founders and ratifiers.

24 (b) It is the duty of the Legislature of this state to adopt

1 and enact any and all measures as may be necessary to prevent the
2 enforcement of the Patient Protection and Affordable Care Act (P.L.
3 111-148) and the Health Care and Education Reconciliation Act of
4 2010 (P.L. 111-152) in the state.

5 (c) An official, agent or employee of the United States
6 Government or an employee of a corporation providing services to
7 the United States Government who enforces or attempts to enforce an
8 act, order, law, statute, rule or regulation of the United States
9 Government in violation of this section is guilty of a felony and,
10 upon conviction thereof, shall be fined not more than \$1,000 or
11 imprisoned in a state correctional facility not less than one year,
12 or both fined and imprisoned.

13 (d) A public officer or employee of this state who enforces or
14 attempts to enforce an order, law, statute, rule or regulation of
15 the United States Government in violation of this section is guilty
16 of a misdemeanor and, upon conviction thereof, shall be fined not
17 more than \$500 or confined in jail not more than one year, or both
18 fined and confined.

19 (e) An aggrieved party has a private right of action against
20 a person who violates subsection (c) or (d) of this article.

NOTE: The purpose of this bill is to invalidate recent federal health care legislation, identify violations, establish criminal penalties and provide for a private cause of action.

This article is new; therefore, it has been completely underscored.