

H. B. 2841

(By Delegates Overington, Lane, D. Evans, R. Smith, Armstead, Arvon, Gearheart, Butler, Householder, Sobonya and Cadle)

[Introduced March 6, 2013; referred to the Committee on Health and Human Resources then Finance.]

FISCAL NOTE

A BILL to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §16-1-1a, relating to federal health care legislation and a prohibition against the federal government from requiring state agencies to enforce its provisions.

Be it enacted by the Legislature of West Virginia:

That the Code of West Virginia, 1931, as amended, be amended by adding thereto a new section, designated §16-1-1a, to read as follows:

ARTICLE 1. STATE PUBLIC HEALTH SYSTEM.

§16-1-1a. Federal health care legislation.

(a) The Legislature finds that:

(1) The people of the several states comprising the United States of America created the federal government to be their agent for certain enumerated purposes and nothing more;

(2) The Tenth Amendment to the United States Constitution

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

9 (3) The assumption that the federal government has made by
10 enacting the Patient Protection and Affordable Care Act (P.L.
11 111-148) and the Health Care and Education Reconciliation Act of
12 2010 (P.L. 111-152) is nowhere expressly granted by the United
13 States Constitution and interferes with the right of the people of
14 this state to regulate health care as they see fit.

15 (b) Notwithstanding any provision in this code to the contrary
16 and subject to state and federal law, the federal government may
17 not require state agencies to enforce any of the provisions of
18 federal health care legislation including, but not limited to, the
19 Patient Protection and Affordable Care Act (P.L. 111-148) and the
20 Health Care and Education Reconciliation Act of 2010 (P.L.
21 111-152).

NOTE: The purpose of this bill is to prohibit the federal government from requiring state agencies to enforce the provisions of federal health care legislation.

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