

REFERENCE TITLE: federal health care; nullification

State of Arizona
Senate
Fiftieth Legislature
Second Regular Session
2012

SB 1475

Introduced by
Senators Gould, Murphy: Griffin, Nelson, Shooter, Yarbrough

AN ACT

AMENDING TITLE 36, ARIZONA REVISED STATUTES, BY ADDING CHAPTER 39; RELATING
TO FEDERAL HEALTH CARE LEGISLATION.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Title 36, Arizona Revised Statutes, is amended by adding
3 chapter 39, to read:

4 CHAPTER 39

5 FEDERAL HEALTH CARE LEGISLATION

6 ARTICLE 1. GENERAL PROVISIONS

7 36-3901. Federal health care law; invalidity in this state;
8 violations; classification; private right of action

9 A. THIS STATE DECLARES THAT THE PATIENT PROTECTION AND AFFORDABLE CARE
10 ACT (P.L. 111-148) AND THE HEALTH CARE AND EDUCATION RECONCILIATION ACT OF
11 2010 (P.L. 111-152) ARE NOT AUTHORIZED BY THE CONSTITUTION OF THE UNITED
12 STATES AND VIOLATE ITS TRUE MEANING AND INTENT AS GIVEN BY THE FOUNDERS AND
13 RATIFIERS AND ARE DECLARED TO BE INVALID IN THIS STATE, SHALL NOT BE
14 RECOGNIZED BY THIS STATE, ARE SPECIFICALLY REJECTED BY THIS SATE AND ARE
15 CONSIDERED VOID AND OF NO EFFECT IN THIS STATE.

16 B. IT IS THE DUTY OF THE LEGISLATURE OF THIS STATE TO ADOPT AND ENACT
17 ANY AND ALL MEASURES AS MAY BE NECESSARY TO PREVENT THE ENFORCEMENT OF THE
18 PATIENT PROTECTION AND AFFORDABLE CARE ACT AND THE HEALTH CARE AND EDUCATION
19 RECONCILIATION ACT OF 2010 IN THIS STATE.

20 C. AN OFFICIAL, AGENT OR EMPLOYEE OF THE UNITED STATES GOVERNMENT OR
21 ANY EMPLOYEE OF A CORPORATION PROVIDING SERVICES TO THE UNITED STATES
22 GOVERNMENT WHO ENFORCES OR ATTEMPTS TO ENFORCE AN ACT, ORDER, LAW, STATUTE,
23 RULE OR REGULATION OF THE UNITED STATES GOVERNMENT IN VIOLATION OF THIS
24 SECTION IS GUILTY OF A CLASS 4 FELONY.

25 D. A PUBLIC OFFICER OR EMPLOYEE OF THIS STATE WHO ENFORCES OR ATTEMPTS
26 TO ENFORCE AN ACT, ORDER, LAW, STATUTE, RULE OR REGULATION OF THE UNITED
27 STATES GOVERNMENT IN VIOLATION OF THIS SECTION IS GUILTY OF A CLASS 1
28 MISDEMEANOR.

29 E. AN AGGRIEVED PARTY HAS A PRIVATE RIGHT OF ACTION AGAINST A PERSON
30 WHO VIOLATES SUBSECTION C OR D OF THIS SECTION.

31 Sec. 2. Legislative findings

32 The legislature finds that:

33 1. The people of the several states comprising the United States of
34 America created the federal government to be their agent for certain
35 enumerated purposes, and nothing more.

36 2. The Tenth Amendment to the United States Constitution defines the
37 total scope of federal power as being that which has been delegated by the
38 people of the several states to the federal government, and all power not
39 delegated to the federal government in the Constitution of the United States
40 is reserved to the states respectively, or to the people themselves.
41 Furthermore, as stated in the Ninth Amendment, "the enumeration in the
42 constitution, of certain rights, shall not be construed to deny or disparage
43 others retained by the people."

1 3. The assumption of power that the federal government has made by
2 enacting the patient protection and affordable care act and the health care
3 and education reconciliation act of 2010 is nowhere expressly granted by the
4 United States Constitution and interferes with the right of the people of
5 this state to regulate health care as they see fit.