

Session 120 - (2013-2014)

S 0102 General Bill, By Bright, S. Martin, Grooms, Verdin, Bryant, Corbin and Shealy

Summary: Freedom of Choice in Health Care Act

A BILL TO AMEND CHAPTER 1, TITLE 38 OF THE 1976 CODE, BY ADDING SECTION 38-1-40 TO ENACT THE "FREEDOM OF CHOICE IN HEALTH CARE ACT," TO PROVIDE THAT THE GENERAL ASSEMBLY DECLARES THE FEDERAL PATIENT PROTECTION AND AFFORDABLE CARE ACT EXCEEDS THE POWER GRANTED TO CONGRESS UNDER THE UNITED STATES CONSTITUTION AND THEREFORE IS NOT LAW, BUT IS ALTOGETHER VOID AND OF NO FORCE, TO PROVIDE THAT IT SHALL BE THE DUTY OF THE GENERAL ASSEMBLY TO ADOPT AND ENACT ANY AND ALL MEASURES TO PREVENT THE ENFORCEMENT OF THE PATIENT PROTECTION AND AFFORDABLE CARE ACT WITHIN THE LIMITS OF THIS STATE, TO PROVIDE THAT NO PUBLIC OFFICER OR EMPLOYEE OF THIS STATE SHALL HAVE ANY AUTHORITY TO ENFORCE OR ATTEMPT TO ENFORCE ANY ASPECT OF THE FEDERAL PATIENT PROTECTION AND AFFORDABLE CARE ACT, TO PROVIDE THAT ANY OFFICIAL, AGENT, OR EMPLOYEE OF THE UNITED STATES GOVERNMENT WHO UNDERTAKES ANY ACT WITHIN THE BORDERS OF THIS STATE THAT ENFORCES OR ATTEMPTS TO ENFORCE ANY ASPECT OF THE FEDERAL PATIENT PROTECTION AND AFFORDABLE CARE ACT IS GUILTY OF A MISDEMEANOR, AND TO PROVIDE THAT ANY PERSON WHO HAS BEEN SUBJECT TO ANY ACT ATTEMPTING TO ENFORCE THE FEDERAL PATIENT PROTECTION AND AFFORDABLE CARE ACT WITHIN THIS STATE'S BORDERS SHALL HAVE A PRIVATE CAUSE OF ACTION FOR DECLARATORY JUDGMENT AND FOR DAMAGES AGAINST ANY PERSON VIOLATING THE PROVISIONS OF THIS SECTION.

12/13/12 Senate Prefiled

12/13/12 Senate Referred to Committee on Banking and Insurance

01/08/13 Senate Introduced and read first time (Senate Journal-page 74)

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