

# ASSEMBLY, No. 4155

## STATE OF NEW JERSEY 214th LEGISLATURE

INTRODUCED JUNE 20, 2011

**Sponsored by:**

**Assemblywoman ALISON LITTELL MCHOSE**

**District 24 (Sussex, Hunterdon and Morris)**

**SYNOPSIS**

Renders federal "Patient Protection and Affordable Care Act" null and void in NJ.

**CURRENT VERSION OF TEXT**

As introduced.



1 AN ACT concerning the federal “Patient Protection and Affordable  
2 Care Act” and supplementing Title 26 of the Revised Statutes.

3

4 **BE IT ENACTED** by the Senate and General Assembly of the State  
5 of New Jersey:

6

7 1. The Legislature finds and declares that:

8 a. The people of the several states comprising the United States  
9 of America created the federal government to be their agent for  
10 certain enumerated purposes, and nothing more;

11 b. Amendment X to the United States Constitution defines the  
12 total scope of federal power as being that which has been delegated  
13 by the people of the several states to the federal government, and all  
14 power not delegated to the federal government in the Constitution  
15 of the United States is reserved to the states respectively, or to the  
16 people themselves;

17 c. The assumption of power that the federal government has  
18 made by enacting the “Patient Protection and Affordable Care Act”  
19 interferes with the right of the people of the State of New Jersey to  
20 regulate health care as they see fit, and makes a mockery of James  
21 Madison’s assurance in Number 45 of the Federalist Papers that the  
22 “powers delegated” to the federal government are “few and  
23 defined,” while those of the states are “numerous and indefinite”;  
24 and

25 d. The federal act is not authorized by the Constitution of the  
26 United States and violates its true meaning and intent as given by its  
27 founders and ratifiers, and is hereby declared to be invalid in this  
28 State, to not be recognized by this State, to be specifically rejected  
29 by this State, and to be considered null and void and of no force and  
30 effect in this State.

31

32 2. As used in this act, “federal act” means the federal “Patient  
33 Protection and Affordable Care Act,” Pub.L.111-148, as amended  
34 by the federal “Health Care and Education Reconciliation Act of  
35 2010,” Pub.L.111-152, and any federal rules and regulations  
36 adopted pursuant thereto.

37

38 3. a. The federal act shall be null and void and of no force and  
39 effect in the State of New Jersey.

40 b. It shall be the duty of the Legislature to adopt and enact any  
41 measures necessary to prevent the enforcement of the federal act  
42 within the limits of this State.

43 c. Any official, agent, or employee of the United States  
44 government or any employee of a corporation, firm, or other entity  
45 providing services to the United States government who seeks to  
46 enforce an act, order, law, statute, rule, or regulation of the  
47 government of the United States in violation of this act shall be  
48 guilty of a crime of the third degree and, notwithstanding the

1 provisions of N.J.S.2C:43-3 to the contrary, for every such offense  
2 shall be fined not less than \$1,000 nor more than \$5,000, or be  
3 imprisoned for a term of not more than five years, or both, in the  
4 discretion of the court.

5 d. Any public officer or employee of this State who seeks to  
6 enforce an act, order, law, statute, rule, or regulation of the United  
7 States government in violation of this act shall be guilty of a  
8 disorderly persons offense and, notwithstanding the provisions of  
9 N.J.S.2C:43-3 to the contrary, for every such offense shall be fined  
10 not less than \$500 nor more than \$1,000, or be imprisoned for a  
11 term of not more than two years, or both, in the discretion of the  
12 court.

13 e. In addition to the provisions of subsections c. and d. of this  
14 section, any aggrieved party shall also have a right of private action  
15 against any official, agent, or employee of the United States  
16 government or any employee of a corporation, firm, or other entity  
17 providing services to the United States government, or any public  
18 officer or employee of this State, for a violation of the provisions of  
19 this act.

20

21 4. This act shall take effect immediately.

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#### STATEMENT

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26 This bill renders the federal "Patient Protection and Affordable  
27 Care Act," Pub.L.111-148, as amended by the federal "Health Care  
28 and Education Reconciliation Act of 2010," Pub.L.111-152, and  
29 any federal rules and regulations adopted pursuant thereto, null and  
30 void and of no force and effect in the State of New Jersey.

31 The bill further provides as follows:

32 • It is the duty of the Legislature to adopt and enact any measures  
33 necessary to prevent the enforcement of the federal act within the  
34 limits of this State.

35 • Any official, agent, or employee of the United States government  
36 or any employee of a corporation, firm, or other entity providing  
37 services to the United States government who seeks to enforce an  
38 act, order, law, statute, rule, or regulation of the government of  
39 the United States in violation of this bill is guilty of a crime of the  
40 third degree and, notwithstanding the provisions of N.J.S.2C:43-3  
41 to the contrary, for every such offense is to be fined not less than  
42 less than \$1,000 nor more than \$5,000, or be imprisoned for a  
43 term of not more than five years, or both, in the discretion of the  
44 court.

45 • Any public officer or employee of this State who seeks to enforce  
46 an act, order, law, statute, rule, or regulation of the United States  
47 government in violation of this bill is guilty of a disorderly  
48 persons offense and, notwithstanding the provisions of

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- 1 N.J.S.2C:43-3 to the contrary, for every such offense is to be  
2 fined not less than \$500 nor more than \$1,000, or be imprisoned  
3 for a term of not more than two years, or both, in the discretion of  
4 the court.
- 5 • In addition, any aggrieved party will also have a right of private  
6 action against any official, agent, or employee of the United  
7 States government or any employee of a corporation, firm, or  
8 other entity providing services to the United States government,  
9 or any public officer or employee of this State, for a violation of  
10 the provisions of this bill.