

ASSEMBLY, No. 861

STATE OF NEW JERSEY 215th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2012 SESSION

Sponsored by:

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District 24 (Morris, Sussex and Warren)**

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SYNOPSIS

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

CURRENT VERSION OF TEXT

Introduced Pending Technical Review by Legislative Counsel



(Sponsorship Updated As Of: 9/10/2013)

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:

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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.

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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

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

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

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

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22 4. This act shall take effect immediately.

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STATEMENT

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

32 The bill further provides as follows:

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

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

46 • Any public officer or employee of this State who seeks to enforce
47 an act, order, law, statute, rule, or regulation of the United States

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1 government in violation of this bill is guilty of a disorderly
2 persons offense and, notwithstanding the provisions of
3 N.J.S.2C:43-3 to the contrary, for every such offense is to be
4 fined not less than \$500 nor more than \$1,000, or be imprisoned
5 for a term of not more than two years, or both, in the discretion of
6 the court.

- 7 • In addition, any aggrieved party will also have a right of private
8 action against any official, agent, or employee of the United
9 States government or any employee of a corporation, firm, or
10 other entity providing services to the United States government,
11 or any public officer or employee of this State, for a violation of
12 the provisions of this bill.