

House File 178 - Introduced

HOUSE FILE 178

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A BILL FOR

1 An Act declaring the federal Patient Protection and Affordable
2 Care Act invalid, null and void, and of no effect in this
3 state, providing penalties, and including effective date
4 provisions.

5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. LEGISLATIVE FINDINGS. The general assembly of
2 the state of Iowa finds that:

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

6 2. The Tenth Amendment to the Constitution of the United
7 States defines the total scope of federal powers as being that
8 which has been delegated by the people of the several states
9 to the federal government, and all powers not delegated to the
10 federal government in the Constitution of the United States
11 are reserved to the states respectively, or to the people
12 themselves.

13 3. The assumption of power that the federal government has
14 made by enacting the federal Patient Protection and Affordable
15 Care Act interferes with the right of the people of the state
16 of Iowa to regulate health care as they see fit, and makes a
17 mockery of James Madison's assurance in Federalist Number 45
18 that the powers delegated to the federal government are few and
19 defined, while those of the states are numerous and indefinite.

20 Sec. 2. NEW SECTION. 1.19 Nullification of federal patient
21 protection and affordable care Act — penalties.

22 1. The general assembly of the state of Iowa declares that
23 the federal law known as the Patient Protection and Affordable
24 Care Act, signed by President Barack Obama on March 23, 2010,
25 is not authorized by the Constitution of the United States and
26 violates its true meaning and intent as given by the founders
27 and ratifiers of the Constitution of the United States, and
28 is hereby declared to be invalid in this state, shall not be
29 recognized by this state, is specifically rejected by this
30 state, and shall be considered null and void and of no effect
31 in this state.

32 2. It shall be the duty of the general assembly of this
33 state to adopt and enact any and all measures as may be
34 necessary to prevent the enforcement of the federal Patient
35 Protection and Affordable Care Act within the limits of this

1 state.

2 3. An official, agent, or employee of the United States
3 government or an employee of a corporation providing services
4 to the United States government that enforces or attempts to
5 enforce an act, order, law, statute, rule, or regulation of the
6 United States government in violation of this section shall be
7 guilty of a class "D" felony.

8 4. A public officer or employee of this state that enforces
9 or attempts to enforce an act, order, law, statute, rule, or
10 regulation of the United States government in violation of this
11 section shall be guilty of an aggravated misdemeanor.

12 5. Any aggrieved party shall also have a private action
13 against any person violating the provisions of subsection 3 or
14 4.

15 Sec. 3. EFFECTIVE UPON ENACTMENT. This Act, being deemed of
16 immediate importance, takes effect upon enactment.

17 EXPLANATION

18 This bill makes legislative findings that the enactment
19 of the federal Patient Protection and Affordable Care Act
20 violates the Tenth Amendment of the United States Constitution
21 by interfering with the rights of the people and the state of
22 Iowa to regulate health care. New Code section 1.19 rejects
23 the federal Act, prohibits recognition of the federal Act, and
24 declares that the federal Act is invalid, null and void, and of
25 no effect in this state.

26 New Code section 1.19 also provides that an official, agent,
27 or employee of the United States government or an employee of a
28 corporation providing services to the United States government
29 who enforces or attempts to enforce a federal act, order,
30 statute, rule, or regulation in violation of this bill is
31 guilty of a class "D" felony. A class "D" felony is punishable
32 by confinement for no more than five years and a fine of at
33 least \$750 but not more than \$7,500.

34 The bill further provides that a public officer or employee
35 of Iowa that enforces or attempts to enforce a federal act,

1 order, statute, rule, or regulation in violation of this
2 bill is guilty of an aggravated misdemeanor. An aggravated
3 misdemeanor is punishable by confinement for no more than two
4 years and a fine of at least \$625 but not more than \$6,250.

5 The bill also gives an aggrieved party a private action
6 against a federal or state official, agent, or employee who
7 enforces or attempts to enforce the federal Patient Protection
8 and Affordable Care Act.

9 The bill is effective upon enactment.