

Senate Bill 498

Sponsored by Senator BOQUIST (at the request of Arthur Crino) (Pre-session filed.)

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**.

Makes legislative finding that Patient Protection and Affordable Care Act and Health Care and Education Reconciliation Act of 2010 are unconstitutional. Declares Acts to be null and void in this state.

Creates crime of enforcing or attempting to enforce provisions of Patient Protection and Affordable Care Act or Health Care and Education Reconciliation Act of 2010, punishable by maximum of five years' imprisonment, \$5,000 fine, or both, if committed by official, agent or employee of federal government or by employee of corporation providing services to federal government, and punishable by maximum of two years' imprisonment, \$1,000 fine, or both, if committed by public officer or employee of state.

Declares emergency, effective on passage.

A BILL FOR AN ACT

Relating to health care; and declaring an emergency.

Be It Enacted by the People of the State of Oregon:

SECTION 1. The Legislative Assembly of the State of Oregon finds that:

(1) **The people of the several states that make up the United States of America created the federal government to be their agent for certain enumerated purposes as set forth in the United States Constitution and nothing more.**

(2) **The Tenth Amendment to the United States Constitution defines the scope of federal powers as being those that have been delegated by the people of the several states to the federal government, and all powers not delegated to the federal government in the Constitution of the United States are reserved to the states respectively or to the people themselves. Furthermore, as stated in the Ninth Amendment to the United States Constitution, "The enumeration in the Constitution, of certain rights, shall not be construed to deny or disparage others retained by the people."**

(3) **The assumption of power that the federal government has made by enacting the Patient Protection and Affordable Care Act (P.L. 111-148) and the Health Care and Education Reconciliation Act of 2010 (P.L. 111-152) is nowhere expressly granted by the United States Constitution and interferes with the right of the people of this state to regulate health care as they see fit.**

SECTION 2. (1) The Legislative Assembly of the State of Oregon declares that the Patient Protection and Affordable Care Act (P.L. 111-148) and the Health Care and Education Reconciliation Act of 2010 (P.L. 111-152) are not authorized by the Constitution of the United States and violate its true meaning and intent as given by the founders and ratifiers and are hereby declared to be invalid in this state, shall not be recognized by this state, are specifically rejected by this state and shall be considered null and void and of no effect in this state.

(2) Any official, agent or employee of the United States Government or any employee of

NOTE: Matter in **boldfaced** type in an amended section is new; matter *[italic and bracketed]* is existing law to be omitted. New sections are in **boldfaced** type.

1 a corporation providing services to the United States Government that enforces or attempts
2 to enforce an Act, order, law, statute, rule or regulation of the United States Government
3 for the purpose of carrying out the provisions of the Patient Protection and Affordable Care
4 Act (P.L. 111-148) and the Health Care and Education Reconciliation Act of 2010 (P.L.
5 111-152) shall be guilty of a felony punishable by a fine not exceeding \$5,000, a term of
6 imprisonment not exceeding five years, or both.

7 (3) Any public officer or employee of this state that enforces or attempts to enforce an
8 Act, order, law, statute, rule or regulation of the United States Government for the purpose
9 of carrying out any provisions of the Patient Protection and Affordable Care Act (P.L.
10 111-148) or the Health Care and Education Reconciliation Act of 2010 (P.L. 111-152) shall be
11 guilty of a misdemeanor punishable by imprisonment in the county jail for a period not ex-
12 ceeding two years, by a fine not exceeding \$1,000, or both.

13 (4) Any person aggrieved by any act described in subsection (2) or (3) of this section shall
14 have a cause of action against the person who is acting.

15 **SECTION 3.** This 2011 Act being necessary for the immediate preservation of the public
16 peace, health and safety, an emergency is declared to exist, and this 2011 Act takes effect
17 on its passage.