STATE OF OKLAHOMA

1st Session of the 54th Legislature (2013)

HOUSE BILL 1254 By: Moore

AS INTRODUCED

An Act relating to public health and safety; making legislative findings; making certain declarations; providing duty of Legislature to enact measure to prevent enforcement of certain federal act; making certain violations a felony; making certain violations a misdemeanor; providing penalties; creating private cause of action; providing for codification; and declaring an emergency.

BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

SECTION 1. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 1-124 of Title 63, unless there is created a duplication in numbering, reads as follows:

The Legislature finds that:

1. The people of the several states comprising 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 total scope of federal powers as being those which 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, "The enumeration in the Constitution, of certain rights, shall not be construed to deny or disparage others retained by the people"; and

3. The assumption of power that the federal government has made by enacting the "Patient Protection and Affordable Care Act" (Public Law 111-148, March 23, 2010) and "Health Care and Education Reconciliation Act of 2010" (Public Law 111-152, March 30, 2010) is nowhere expressly granted by the United States Constitution and interferes with the right of the people of the State of Oklahoma to regulate health care as they see fit.

SECTION 2. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 1-125 of Title 63, unless there is created a duplication in numbering, reads as follows:

A. The Legislature of the State of Oklahoma declares that the federal laws known as the "Patient Protection and Affordable Care Act" (Public Law 111-148) and the "Health Care and Education Reconciliation Act of 2010" (Public Law 111-152), signed by President Barack Obama on March 23 and 30, 2010, 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 the State of Oklahoma, 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.

B. It shall be the duty of the Legislature of this state to adopt and enact any and all measures as may be necessary to prevent the enforcement of the "Patient Protection and Affordable Care Act" and the "Health Care and Education Reconciliation Act of 2010" within the limits of this state.

C. Any official, agent, or employee of the United States government or any employee of a corporation providing services to the United States government that enforces or attempts to enforce an act, order, law, statute, rule or regulation of the government of the United States in violation of this act shall be guilty of a felony and upon conviction shall be punished by a fine not exceeding Five Thousand Dollars ($5,000.00), or a term of imprisonment not exceeding five (5) years, or both.

D. Any public officer or employee of the State of Oklahoma that enforces or attempts to enforce an act, order, law, statute, rule, or regulation of the government of the United States in violation of this act shall be guilty of a misdemeanor punishable by imprisonment in the county jail not exceeding two (2) years, or by a fine not exceeding One Thousand Dollars ($1,000.00), or both such fine and imprisonment.

E. Any aggrieved party shall also have a private cause of action against any person violating the provisions of subsection C or D of this section.

SECTION 3. It being immediately necessary for the preservation of the public peace, health and safety, an emergency is hereby declared to exist, by reason whereof this act shall take effect and be in full force from and after its passage and approval.

54-1-6283 AM 12/28/12