

South Carolina General Assembly
120th Session, 2013-2014

H. 3101

STATUS INFORMATION

General Bill

Sponsors: Reps. Chumley, Taylor, G.R. Smith, Huggins, Wells, Henderson, Crosby, Atwater and Long

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Companion/Similar bill(s): 147

Prefiled in the House on December 11, 2012

Currently residing in the House Committee on **Labor, Commerce and Industry**

Summary: Not yet available

HISTORY OF LEGISLATIVE ACTIONS

<u>Date</u>	<u>Body</u>	<u>Action Description with journal page number</u>
12/11/2012	House	Prefiled
12/11/2012	House	Referred to Committee on Labor, Commerce and Industry

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VERSIONS OF THIS BILL

[12/11/2012](#)

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A BILL

TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, SO AS TO ENACT THE “SOUTH CAROLINA FREEDOM OF HEALTH CARE PROTECTION ACT” BY ADDING ARTICLE 21 TO CHAPTER 71, TITLE 38 SO AS TO RENDER NULL AND VOID CERTAIN UNCONSTITUTIONAL LAWS ENACTED BY THE CONGRESS OF THE UNITED STATES TAKING CONTROL OVER THE HEALTH INSURANCE INDUSTRY AND MANDATING THAT INDIVIDUALS PURCHASE HEALTH INSURANCE UNDER THREAT OF PENALTY; TO PROHIBIT CERTAIN INDIVIDUALS FROM ENFORCING OR ATTEMPTING TO ENFORCE SUCH UNCONSTITUTIONAL LAWS; AND TO ESTABLISH CRIMINAL PENALTIES AND CIVIL LIABILITY FOR VIOLATING THIS ARTICLE.

Whereas, the people of the several states comprising the United States of America created the federal government to be their agent for certain enumerated purposes, and nothing more; and

Whereas, the Tenth Amendment to the United States Constitution defines the total scope of federal power as being that which has been delegated by the people of the several states to the federal government, and all power not delegated to the federal government in the Constitution of the United States is reserved to the states respectively, or to the people themselves; and

Whereas, Article I, Section 1 of the United States Constitution provides in pertinent part that “All legislative powers herein granted shall be vested in a Congress of the United States”; and

Whereas, the judicial decision of the United States Supreme Court upholding the constitutionality of the “Patient Protection and

1 Affordable Care Act” directly contravenes Article I, Section 1 of
2 the United States Constitution because, in upholding the law by
3 re-characterizing the Act as a tax even though Congress
4 specifically refused to identify it as a tax, the United States
5 Supreme Court legislated new law in violation of Article I, Section
6 1 of the United States Constitution; and

7
8 Whereas, the assumption of power that the federal government has
9 made by enacting the “Patient Protection and Affordable Care Act”
10 interferes with the right of the people of the State of South
11 Carolina to regulate health care as they see fit and makes a
12 mockery of James Madison’s assurance in Federalist #45 that the
13 “powers delegated” to the federal government are “few and
14 defined”, while those of the states are “numerous and indefinite”.
15 Now, therefore,

16
17 Be it enacted by the General Assembly of the State of South
18 Carolina:

19
20 SECTION 1. Chapter 71, Title 38 of the 1976 Code is amended
21 by adding:

22 “Article 21

23
24 South Carolina Freedom of Health Care Protection Act

25
26 Section 38-71-2110. This article may be cited as the ‘South
27 Carolina Freedom of Health Care Protection Act’.

28
29 Section 38-71-2120. The General Assembly declares that the
30 federal law known as the “Patient Protection and Affordable Care
31 Act”, signed by President Barack Obama on March 23, 2010, is
32 not authorized by the Constitution of the United States and violates
33 its true meaning and intent as given by the Founders and Ratifiers,
34 and is invalid in this State, is not recognized by this State, is
35 specifically rejected by this State, and is null and void and of no
36 effect in this State.

37
38 Section 38-71-2130. It is the duty of the General Assembly to
39 adopt and enact all measures as may be necessary to prevent the
40 enforcement of the ‘Patient Protection and Affordable Care Act’
41 within the limits of this State.

1 Section 38-71-2140. (A) An official, agent, or employee of the
2 United States government or an employee of a corporation
3 providing services to the United States government who enforces
4 or attempts to enforce an act, order, law, statute, rule, or regulation
5 of the government of the United States in violation of this article is
6 guilty of a felony and, upon conviction, must be fined not more
7 than five thousand dollars, or imprisoned not more than five years,
8 or both.

9 (B) A public officer or employee of the State of South Carolina
10 who enforces or attempts to enforce an act, order, law, statute, rule,
11 or regulation of the government of the United States in violation of
12 this article is guilty of a misdemeanor and, upon conviction, must
13 be fined not more than one thousand dollars or imprisoned not
14 more than two years, or both.

15

16 Section 38-71-2150. An aggrieved party has a private right of
17 action against a person violating a provision of this article and is
18 entitled to the recovery of reasonable attorney fees incurred in
19 prosecution of said action.”

20

21 SECTION 3. This act takes effect upon approval by the Governor.

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