

SOUTH CAROLINA FREEDOM OF HEALTH CARE PROTECTION ACT

An Act 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.

SECTION 1. The legislature of the State of South Carolina 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, and nothing more.
2. 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.
3. 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."
4. The judicial decision of the United States Supreme Court upholding the constitutionality of the "Patient Protection and Affordable Care Act" directly contravenes Article I, Section 1 of the United States Constitution because, in upholding the law by re-characterizing the Act as a tax even though Congress specifically refused to identify it as a tax, the United States Supreme Court legislated new law in violation of Article I, Section 1 of the United States Constitution.
5. The assumption of power that the federal government has made by enacting the "Patient Protection and Affordable Care Act" interferes with the right of the People of the State of South Carolina to regulate health care as they see fit, and makes a mockery of James Madison's assurance in Federalist #45 that the "powers delegated" to the Federal Government are "few and defined", while those of the States are "numerous and indefinite."

SECTION 2. NEW LAW

A new section of law to be codified in the South Carolina Statutes as Section ____ Title ____, unless there is created a duplication in numbering, reads as follows:

- A. The Legislature of the State of South Carolina declares that the federal law known as the "Patient Protection and Affordable Care Act," signed by President Barack Obama on March 23, 2010, is not authorized by the Constitution of the United States and violates its true meaning and intent as given by the Founders and Ratifiers, and is hereby declared to be invalid in this state, shall not be recognized by this state, is 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" 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 must 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 South Carolina 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 action against any person violating the provisions of subsections (C) or (D) and shall be entitled to the recovery of reasonable attorney fees incurred in prosecution of said action. .

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