

# HOUSE BILL No. 1479

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## DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 4-1-12; IC 4-6-2-13; IC 6-3-2-26.

**Synopsis:** Application of federal Affordable Care Act. Prohibits certain state actions related to enforcement or implementation of the federal Patient Protection and Affordable Care Act (PPACA). Requires the attorney general to file a civil action for injunctive relief in certain circumstances. Requires a tax deduction for taxpayers paying a penalty in relation to PPACA. Repeals a provision concerning application for a state innovation waiver under PPACA.

**Effective:** Upon passage; January 1, 2015 (retroactive).

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## Harman, Nisly, Smaltz

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January 14, 2015, read first time and referred to Committee on Ways and Means.

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First Regular Session of the 119th General Assembly (2015)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2014 Regular Session and 2014 Second Regular Technical Session of the General Assembly.

## HOUSE BILL No. 1479

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A BILL FOR AN ACT to amend the Indiana Code concerning state offices and administration.

*Be it enacted by the General Assembly of the State of Indiana:*

- 1 SECTION 1. IC 4-1-12-4 IS REPEALED [EFFECTIVE UPON  
2 PASSAGE]. ~~Sec. 4. The office of the secretary of family and social  
3 services and the department of insurance:  
4 (1) shall investigate; and  
5 (2) may apply for a waiver under;  
6 42 U.S.C. 18052 of the Patient Protection and Affordable Care Act.~~  
7 SECTION 2. IC 4-1-12-5 IS ADDED TO THE INDIANA CODE  
8 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE  
9 UPON PASSAGE]: **Sec. 5. (a) Notwithstanding any other law  
10 except:**  
11 **(1) a state law implementing the Indiana check-up plan  
12 established by IC 12-15-44.2-3 and in effect on December 1,  
13 2014; and**  
14 **(2) a state law providing for state regulation of navigators (as  
15 defined in IC 27-19-2-12);**



1 an agency, officer, or employee of the state shall not, acting on  
 2 behalf of the state, engage in an activity that aids any person in the  
 3 enforcement of the Patient Protection and Affordable Care Act.

4 (b) Notwithstanding any other law except:

5 (1) a state law implementing the Indiana check-up plan  
 6 established by IC 12-15-44.2-3 and in effect on December 1,  
 7 2014; and

8 (2) a state law providing for state regulation of navigators (as  
 9 defined in IC 27-19-2-12);

10 an agency, a department, or other state entity, including the family  
 11 and social services administration and the state department of  
 12 health, shall not authorize an employee, a contractor, a vendor, or  
 13 another person acting on behalf of the state to conduct or  
 14 participate in an involuntary maternal, infant, and early childhood  
 15 in-home visitation under:

16 (1) Section 2951 of the Patient Protection and Affordable Care  
 17 Act, as amended; or

18 (2) any subsequent federal law that refers to an entity or a  
 19 process established under the Patient Protection and  
 20 Affordable Care Act.

21 SECTION 3. IC 4-1-12-6 IS ADDED TO THE INDIANA CODE  
 22 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE  
 23 UPON PASSAGE]: Sec. 6. (a) As used in this section, "exchange"  
 24 means an American health benefit exchange established by a state  
 25 or political subdivision of a state under the Patient Protection and  
 26 Affordable Care Act.

27 (b) The state and political subdivisions of the state, including  
 28 counties, municipalities, and special purpose districts, shall not do  
 29 the following:

30 (1) Establish an exchange for the purchase of a health plan.

31 (2) Participate in or purchase a health plan from an exchange  
 32 established by a nonprofit organization.

33 (c) A health plan that is purchased or established in violation of  
 34 this section is void and must not be enforced by the courts of this  
 35 state.

36 SECTION 4. IC 4-6-2-13 IS ADDED TO THE INDIANA CODE  
 37 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE  
 38 UPON PASSAGE]: Sec. 13. (a) As used in this section, "PPACA"  
 39 refers to the Patient Protection and Affordable Care Act (as  
 40 defined in IC 4-1-12-1).

41 (b) If the attorney general has reasonable cause to believe that:

42 (1) a person is harmed by implementation of PPACA; and



1           **(2) proceedings would be in the public interest;**  
 2 **the attorney general may bring a civil action for injunctive relief**  
 3 **against the person causing the harm to refrain from the**  
 4 **implementation.**

5           **(c) If the attorney general determines, in writing, that the**  
 6 **following protections and purposes are not substantially impaired**  
 7 **by a delay in bringing a civil action under subsection (b), the**  
 8 **attorney general shall, at least three (3) days before instituting the**  
 9 **legal proceeding, give notice to the person against whom the**  
 10 **proceeding is contemplated and give the person an opportunity to**  
 11 **present reasons why a proceeding should not be instituted:**

12           **(1) The Tenth Amendment to the Constitution of the United**  
 13 **States provides that the federal government is authorized to**  
 14 **exercise only those powers delegated to it in the Constitution**  
 15 **of the United States.**

16           **(2) Article VI, Clause 2 of the Constitution of the United**  
 17 **States provides that laws of the United States are the supreme**  
 18 **law of the land provided that they are made in pursuance of**  
 19 **the powers delegated to the federal government in the**  
 20 **Constitution of the United States.**

21           **(3) It is the stated policy of the general assembly that**  
 22 **provisions of PPACA grossly exceed the powers delegated to**  
 23 **the federal government in the Constitution of the United**  
 24 **States.**

25           **(4) The provisions of PPACA that exceed the limited powers**  
 26 **granted to the Congress by the Constitution of the United**  
 27 **States, cannot and should not be considered the supreme law**  
 28 **of the land.**

29           **(5) The general assembly has the absolute and sovereign**  
 30 **authority to interpose and refuse to enforce the provisions of**  
 31 **PPACA that exceed the authority of the Congress.**

32           **(6) The Fourteenth Amendment to the Constitution of the**  
 33 **United States provides that the people are to be free from**  
 34 **deprivation of life, liberty, or property, without due process**  
 35 **of law.**

36           **(d) If a court issues a permanent injunction in connection with**  
 37 **an action filed under this section, the court shall award reasonable**  
 38 **costs to the state.**

39           **SECTION 5. IC 6-3-2-26 IS ADDED TO THE INDIANA CODE**  
 40 **AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE**  
 41 **JANUARY 1, 2015 (RETROACTIVE)]: Sec. 26. (a) This section**  
 42 **applies to taxable years ending after December 31, 2014.**



1           **(b) As used in this section, "qualified federal tax liability"**  
2 **means any liability to pay a tax or penalty imposed under Section**  
3 **5000A of the Internal Revenue Code for failing to maintain**  
4 **minimum essential coverage (as defined by Section 5000A(f) of the**  
5 **Internal Revenue Code).**

6           **(c) A resident individual taxpayer is entitled to a deduction from**  
7 **the taxpayer's adjusted gross income for a particular taxable year**  
8 **if the taxpayer pays a qualified federal tax liability during the**  
9 **taxable year.**

10           **(d) The amount of the deduction to which a taxpayer is entitled**  
11 **in a particular taxable year is equal to the amount of qualified**  
12 **federal tax liability that the taxpayer pays during the taxable year.**

13           **(e) To obtain the deduction provided by this section, the**  
14 **taxpayer must file with the department proof of the taxpayer's**  
15 **payment of a qualified federal tax liability.**

16           **SECTION 6. An emergency is declared for this act.**

