

# State of South Dakota

EIGHTY-SIXTH SESSION  
LEGISLATIVE ASSEMBLY, 2011

751S0404

## HOUSE BILL NO. 1165

Introduced by: Representatives Hubbel, Jensen, Liss, and Nelson (Stace) and Senators Begalka and Lederman

1 FOR AN ACT ENTITLED, An Act to establish certain legislative findings, to prohibit the  
2 enforcement of certain federal health care laws, and to provide a penalty therefor.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

4 Section 1. The Legislature finds that the people of the several states that compose the United  
5 States of America created the federal government to be their agent for certain enumerated  
6 purposes.

7 Section 2. The Legislature finds that the Tenth Amendment to the United States Constitution  
8 declares that the powers not delegated to the federal government by the United States  
9 Constitution, nor prohibited by it to the states, are reserved to the states respectively, or to the  
10 people.

11 Section 3. The Legislature finds that the assumption of power that the federal government  
12 has made by enacting the Patient Protection and Affordable Care Act (H.R. 3590; Pub. L. No.  
13 111-148) as amended by the Health Care and Education Reconciliation Act of 2010 (H.R. 4872;  
14 Pub. L. No. 111-152) interferes with the right of the people of this state to regulate health care  
15 as they see fit.



1 Section 4. The Legislature find that the Patient Protection and Affordable Care Act (H.R.  
2 3590; Pub. L. No. 111-148) as amended by the Health Care and Education Reconciliation Act  
3 of 2010 (H.R. 4872; Pub. L. No. 111-152) is not authorized by the United States Constitution  
4 and violates the true meaning and intent of the United States Constitution, and further finds that  
5 such law is invalid in this state, may not be recognized by this state, is specifically rejected by  
6 this state, and is considered null and void and of no effect in this state.

7 Section 5. The Legislature finds that it is the duty of the Legislature to enact all measures  
8 as may be necessary to prevent the enforcement of the Patient Protection and Affordable Care  
9 Act (H.R. 3590; Pub. L. No. 111-148) as amended by the Health Care and Education  
10 Reconciliation Act of 2010 (H.R. 4872; Pub. L. No. 111-152) within the boundaries of this state.

11 Section 6. No official, agent, or employee of the United States government nor any  
12 employee of any entity providing services to the United States government may enforce or  
13 attempt to enforce the Patient Protection and Affordable Care Act (H.R. 3590; Pub. L. No. 111-  
14 148) as amended by the Health Care and Education Reconciliation Act of 2010 (H.R. 4872; Pub.  
15 L. No. 111-152) or any order, statute, rule, or regulation of the United States government  
16 established in connection with that Act. A violation of this section is a Class 5 felony.

17 Section 7. No public official, agent, or employee of the state may enforce or attempt to  
18 enforce the Patient Protection and Affordable Care Act (H.R. 3590; Pub. L. No. 111-148) as  
19 amended by the Health Care and Education Reconciliation Act of 2010 (H.R. 4872; Pub. L. No.  
20 111-152) or any order, statute, rule, or regulation of the United States government established  
21 in connection with that Act. A violation of this section is a Class 6 felony.

22 Section 8. Any aggrieved party may bring a private cause of action against any person who  
23 enforces or attempts to enforce the Patient Protection and Affordable Care Act (H.R. 3590; Pub.  
24 L. No. 111-148) as amended by the Health Care and Education Reconciliation Act of 2010

1 (H.R. 4872; Pub. L. No. 111-152), or any order, statute, rule, or regulation of the United States  
2 made in connection with that Act.