

HOUSE BILL NO. HB0166

Federal health care reform-prohibition.

Sponsored by: Representative(s) Baker, Jaggi, Kroeker and
Reeder and Senator(s) Meier

A BILL

for

1 AN ACT relating to health care; providing findings;
2 prohibiting the state of Wyoming from enforcing
3 unconstitutional provisions of federal health care law;
4 prohibiting participation in health care insurance market
5 places as specified; prohibiting the enforcement of health
6 insurance contracts as specified; granting rights and
7 powers to the attorney general as specified; prohibiting
8 involuntary visitations under federal law as specified; and
9 providing for an effective date.

10

11 *Be It Enacted by the Legislature of the State of Wyoming:*

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13 **Section 1.** The legislature of the state of Wyoming
14 finds that the United States Supreme Court contravened
15 Article I, Section 1 of the United States Constitution when
16 it upheld the constitutionality of the Patient Protection

1 and Affordable Care Act of 2010, Public Law 111-148, in the
2 case *National Federation of Independent Businesses et al.*
3 *v. Sebelius, Secretary of Health and Human Services, et*
4 *al.*, decided June 28, 2012. By recharacterizing the
5 Affordable Care Act as a tax when Congress refused to
6 identify it as such, the Supreme Court legislated new law
7 in violation of Article I, Section 1 of the United States
8 Constitution.

9
10 **Section 2.** The Tenth Amendment to the United States
11 Constitution provides that the United States federal
12 government is authorized to exercise only those powers
13 delegated to it in the United States Constitution.
14 Pursuant to Article 6 of the Constitution, the laws of the
15 United States federal government are the supreme law of the
16 land if they are made pursuant to the United States
17 Constitution. Laws enacted contrary to the United States
18 Constitution are not the supreme law of the land.

19
20 **Section 3.** The provisions of the Patient Protection
21 and Affordable Care Act of 2010 grossly exceed the powers
22 granted to the federal government in the United States
23 Constitution and, therefore, are not the supreme law of the
24 land. The legislature of the state of Wyoming may refuse

1 to enforce those provisions of the Patient Protection and
2 Affordable Care Act of 2010 that exceeded the authority of
3 congress.

4

5 **Section 4.** W.S. 9-14-102 and 14-1-102 are created to
6 read:

7

8 **9-14-102. Federal health care reform; prohibition.**

9

10 (a) The state of Wyoming and its political
11 subdivisions shall not engage in any activity that aids in
12 the enforcement of those provisions of the Patient
13 Protection and Affordable Care Act of 2010, Public Law 111-
14 148, that exceed the authority of the United States
15 constitution.

16

17 (b) The state of Wyoming and its political
18 subdivisions shall not establish nor participate in any
19 state based or state partnership health insurance
20 marketplace which offers health insurance policies to the
21 citizens of Wyoming and which could be established under
22 the Patient Protection and Affordable Care Act of 2010.
23 Neither shall the state of Wyoming or any of its
24 subdivisions purchase health insurance from any health

1 insurance marketplace established by any nonprofit
2 organization. No health insurance policy purchased in
3 violation of this subsection shall be enforced by the
4 courts of this state.

5

6 (c) The legislature of the state of Wyoming is
7 empowered to take all actions necessary to enforce the
8 provisions of subsections (a) and (b) of this section.

9

10 (d) Whenever the attorney general has reasonable
11 cause to believe that any person is being harmed by
12 implementation of the Patient Protection and Affordable
13 Care Act of 2010 and that proceedings would be in the
14 public interest, the attorney general may bring an action
15 for a temporary or permanent injunction to enjoin the
16 implementation which is causing harm. Before any action is
17 filed pursuant to this subsection, the attorney general
18 shall provide notice to the person against whom the action
19 will be brought informing the person of the impending
20 action and allowing an opportunity to present reasons why
21 an action should not be brought. Any action brought by the
22 attorney general shall be filed in a court of competent
23 jurisdiction in the state of Wyoming and the court shall
24 award reasonable costs and attorney's fees to any party

1 that substantially prevails in an action to obtain a
2 permanent injunction against implementation.

3

4 (e) The state of Wyoming and its political
5 subdivisions shall not conduct or authorize any person to
6 conduct an involuntary maternal, infant or early childhood
7 in-home visitation pursuant to Section 2951 of the Patient
8 Protection and Affordable Care Act of 2010.

9

10 **14-1-102. Involuntary visitations under the**
11 **affordable care act; prohibition.**

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13 Pursuant to W.S. 9-14-102(e), the state of Wyoming, its
14 agencies and political subdivisions shall not be authorized
15 by any section of this title to conduct, or authorize any
16 person to conduct, an involuntary maternal, infant or early
17 childhood in-home visitation pursuant to Section 2951 of
18 the Patient Protection and Affordable Care Act of 2010,
19 Public Law 111-148.

20

1 **Section 5.** This act is effective immediately upon
2 completion of all acts necessary for a bill to become law
3 as provided by Article 4, Section 8 of the Wyoming
4 Constitution.

5

6

(END)