

By: Senator(s) McDaniel, Watson, Sojourner

To: Public Health and Welfare

SENATE BILL NO. 2643

1 AN ACT TO PROHIBIT STATE ENFORCEMENT OR PARTICIPATION WITH
 2 THE FEDERAL "PATIENT PROTECTION AND AFFORDABLE CARE ACT"; TO
 3 PROHIBIT IMPLEMENTATION OF ANY LAW WHICH MANDATES THAT INDIVIDUALS
 4 PURCHASE HEALTH INSURANCE UNDER THREAT OF PENALTY; TO PROHIBIT
 5 LICENSED HEALTH INSURERS FROM ACCEPTING FEDERAL SUBSIDIES UNDER
 6 THE "PATIENT PROTECTION AND AFFORDABLE CARE ACT" THAT AUTHORIZE AN
 7 EMPLOYER MANDATE; TO AMEND SECTION 43-13-101, MISSISSIPPI CODE OF
 8 1972, TO PROHIBIT THE STATE OF MISSISSIPPI FROM FACILITATING IN
 9 ANY WAY THE EXPANSION OF THE MEDICAID PROGRAM UNDER THE FEDERAL
 10 "PATIENT PROTECTION AND AFFORDABLE CARE ACT"; AND FOR RELATED
 11 PURPOSES.

12 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

13 **SECTION 1.** The Legislature of the State of Mississippi finds
 14 that:

15 (a) The people of the several states comprising the
 16 United States of America created the federal government to be
 17 their agent for certain enumerated purposes, and nothing more.

18 (b) The Tenth Amendment to the United States
 19 Constitution defines the total scope of federal power as being
 20 that which has been delegated by the people of the several states
 21 to the federal government, and all power not delegated to the



22 federal government in the Constitution of the United States is
23 reserved to the states respectively, or to the people themselves.

24 (c) The assumption of power that the federal government
25 has made by enacting the "Patient Protection and Affordable Care
26 Act" interferes with the right of the people of the State of
27 Mississippi to regulate health care as they see fit, and makes a
28 mockery of James Madison's assurance in Federalist #45 that the
29 "powers delegated" to the federal government are "few and
30 defined," while those of the states are "numerous and indefinite."

31 **SECTION 2. Prohibition on enforcement, participation and**
32 **material support in certain federal acts.** (1) Notwithstanding
33 any law, regulation, rule or order to the contrary, no agency of
34 this state, political subdivision of this state, or employee of an
35 agency or political subdivision of this state acting in his or her
36 official capacity, or corporation providing services on behalf of
37 this state or a political subdivision of this state shall:

38 (2) Enforce any federal act, law, order, rule or regulation
39 of the federal government of the United States designed to give
40 effect to the Patient Protection and Affordable Care Act, signed
41 by President Barack Obama on March 23, 2010.

42 (3) Provide material support, participation or assistance in
43 any form, with any federal agency or employee engaged in the
44 enforcement of any federal act, law, order, rule or regulation of
45 the federal government of the United States designed to give
46 effect to the Patient Protection and Affordable Care Act.



47 (4) Utilize any assets, state funds or funds allocated by
48 the state to local entities on or after July 1, 2014, in whole or
49 in part, to engage in any activity that aids a federal agency,
50 federal agent, or corporation providing services to the federal
51 government in the enforcement of any federal act, law, order, rule
52 or regulation of the federal government of the United States
53 designed to give effect to the Patient Protection and Affordable
54 Care Act.

55 **SECTION 3. Penalties.** (1) An agency or political
56 subdivision of this state may not receive state grant funds if the
57 agency or political subdivision adopts a rule, order, ordinance or
58 policy under which the agency or political subdivision violates
59 Section 2 of this act. State grant funds for the agency or
60 political subdivision shall be denied for the fiscal year
61 following the year in which a final judicial determination in an
62 action brought under this section is made that the agency or
63 political subdivision has intentionally required actions which
64 violate the prohibitions in Section 2 of this act.

65 (2) Any agent or employee of this state, or of any political
66 subdivision of this state who knowingly violates the prohibitions
67 in Section 2 of this act shall be deemed to have resigned any
68 commission from the State of Mississippi which he or she may
69 possess, his or her office shall be deemed vacant, and he or she
70 shall be forever thereafter ineligible to any office of trust,
71 honor or emolument under the laws of this state.



72 (3) Any corporation or person that provides services to or
73 on behalf of this state and violates the prohibitions of Section 2
74 of this act shall be forever ineligible to act on behalf of, or
75 provide services to, this state or any political subdivision of
76 this state.

77 **SECTION 4. Prohibition on issuers. Enforcement.** (1) A
78 health insurance issuer operating in this state shall not accept
79 any remuneration, credit or subsidy, as described in 42 USC 18082.

80 (2) If a health insurance issuer violates subsection (1) of
81 this section, the issuer's license to issue new business in the
82 state on the federal exchange established by the Affordable Care
83 Act shall be suspended immediately and until such time as the
84 issuer represents it has returned that remuneration, credit or
85 subsidy to its source and will decline any such future
86 remuneration, credit or subsidy. Such suspensions shall not be
87 construed as impairing the right of contract or the right to
88 continue or renew existing business in the state.

89 (3) The Attorney General shall take such action as is
90 necessary in the defense or prosecution of rights protected under
91 this section.

92 **SECTION 5. Other obligations of Attorney General.** The
93 Attorney General shall seek injunctive and any other appropriate
94 relief as expeditiously as possible to preserve the rights and
95 property of the residents of the state, and to defend as necessary
96 the state, and its officials, employees and agents, in the event



97 that any law or regulation violating the public policy set forth
98 in this section is enacted by any government, subdivision or
99 agency thereof.

100 **SECTION 6.** Section 43-13-101, Mississippi Code of 1972, is
101 amended as follows:

102 43-13-101. This article shall be entitled and cited as the
103 "Mississippi Medicaid Law." Notwithstanding any provision of law
104 to the contrary, the state shall not establish, facilitate,
105 implement or participate in the expansion of the Medicaid program
106 pursuant to the federal Patient Protection and Affordable Care
107 Act, Public Law 111-148, as amended.

108 **SECTION 7.** This act shall take effect and be in force from
109 and after its passage.

