

1
2
3
4
5
6
7
8
9
10

A BILL

11 TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA,
12 1976, TO ENACT THE “ACA ANTI-COMMANDEERING
13 ACT” BY ADDING ARTICLE 30 TO CHAPTER 1, TITLE 1 SO
14 AS TO PROVIDE DEFINITIONS, TO MAKE CERTAIN
15 FINDINGS REGARDING THE PRINCIPLE OF
16 ANTI-COMMANDEERING AND THE RIGHT OF THE
17 STATES TO REFUSE TO USE STATE RESOURCES TO
18 ENFORCE FEDERAL LAWS, TO PROVIDE THAT A PUBLIC
19 OFFICIAL, OFFICER, OR EMPLOYEE OF A PUBLIC BODY
20 MUST NOT PARTICIPATE IN THE ESTABLISHMENT OF A
21 HEALTH INSURANCE EXCHANGE OR ENFORCE OR AID
22 IN THE ENFORCEMENT OF THE INDIVIDUAL AND
23 EMPLOYER HEALTH INSURANCE MANDATES OF THE
24 AFFORDABLE CARE ACT, TO PROVIDE THAT THESE
25 PROHIBITIONS DO NOT APPLY TO THE PROVISION OF
26 MEDICAID AT CURRENT LEVELS OF ELIGIBILITY, AND
27 TO REFUSE TO PARTICIPATE IN THE EXPANSION OF
28 MEDICAID PURSUANT TO THE ACA; TO ENACT THE
29 “NAVIGATOR BACKGROUND CHECK ACT” BY ADDING
30 ARTICLE 21 TO CHAPTER 71, TITLE 38 SO AS TO PROVIDE
31 NECESSARY DEFINITIONS, TO PROVIDE CRITERIA FOR
32 REGISTRATION AS A HEALTH CARE INSURANCE
33 NAVIGATOR, TO REQUIRE REGISTRATION OF A PERSON
34 ACTING AS A HEALTH CARE INSURANCE NAVIGATOR,
35 TO PROVIDE RELATED DUTIES OF THE DEPARTMENT OF
36 INSURANCE AND THE DEPARTMENT OF HEALTH AND
37 HUMAN SERVICES, AND TO PROVIDE PENALTIES FOR A
38 VIOLATION; TO AMEND SECTION 38-3-110, AS AMENDED,
39 RELATING TO THE DUTIES OF THE CHIEF INSURANCE
40 COMMISSIONER, SO AS TO REQUIRE THE
41 COMMISSIONER TO TAKE ALL REASONABLE ACTION TO
42 LIMIT FEDERAL INTRUSION INTO THE REGULATION OF

1 INSURANCE IN THIS STATE; AND TO AUTHORIZE THE
2 GOVERNOR TO COMMUNICATE THE CONTENTS OF THIS
3 ACT TO OUR SISTER STATES AND REQUEST AN
4 EXPRESSION OF THEIR SENTIMENTS REGARDING THE
5 ACA.

6
7 Be it enacted by the General Assembly of the State of South
8 Carolina:

9
10 SECTION 1. Chapter 1, Title 1 of the 1976 Code is amended by
11 adding:

12
13 “Article 30

14
15 ACA Anti-Commandeering Act

16
17 Section 1-1-1900. This article may be cited as the ‘ACA
18 Anti-Commandeering Act’.

19
20 Section 1-1-1905. For purposes of this article:

21 (1) ‘ACA’ means the Patient Protection and Affordable Care
22 Act, signed by President Barack Obama on March 23, 2010, and
23 any amendments thereto.

24 (2) ‘Health insurance’ means any policy of insurance that
25 meets the definition provided by Section 38-1-20.

26 (3) ‘Health insurance exchange’ means an American Health
27 Benefit Exchange established by the federal government, any state,
28 or political subdivision of a state, or any other entity that may
29 otherwise qualify to establish an exchange pursuant to the ACA.

30 (4) ‘Public body’ means any department of the State, any state
31 board, commission, agency, and authority, and any public or
32 governmental body or political subdivision of the State, including
33 counties, municipalities, townships, and school districts.

34
35 Section 1-1-1910. The General Assembly finds:

36 (1) that significant portions of the ACA constitute an
37 unprecedented overreach by the U.S. Congress and the federal
38 government into areas of law and regulation that involve the
39 exercise of powers and duties that are patently reserved to the
40 states and the people themselves under the United States
41 Constitution;

1 (2) that those portions of the ACA that require employers to
2 provide and individuals to obtain health insurance are particularly
3 offensive to the rights and freedoms of the residents of this State;

4 (3) that pursuant to and in furtherance of the fundamental
5 principle of state sovereignty, the federal government may not
6 command our state's officers, agents, or employees to participate
7 in the enforcement or facilitation of any federal program the
8 General Assembly determines to be offensive to fundamental
9 freedoms guaranteed to our state's residents;

10 (4) that this right to be free from the commandeering hand of
11 the federal government has been most notably recognized by the
12 United States Supreme Court in *Printz v. United States* when the
13 Court held: 'The Federal Government may neither issue directives
14 requiring the states to address particular problems, nor command
15 the states' officers, or those of their political subdivisions, to
16 administer or enforce a federal regulatory program';

17 (5) that the State has the duty and obligation to refuse to
18 participate in the facilitation and enforcement of those provisions
19 of the ACA that are patently offensive to the principle of state
20 sovereignty and so significantly infringe upon the rights and
21 freedom of all South Carolinians; and

22 (6) that the anti-commandeering principles recognized by the
23 U.S. Supreme Court in *Printz v. United States* are predicated upon
24 the constitutional proposition that the State has the absolute and
25 sovereign right to interpose and refuse to assist in the enforcement
26 of any federal program, and the prohibitions contained in this
27 article are a full and fair exercise of the sovereign power of this
28 State in support of and in compliance with the anti-commandeering
29 principles recognized by the U.S. Supreme Court in *Printz v.*
30 *United States*;

31 (7) that expanding Medicaid as described in 42 U.S.C. Section
32 1396a(a)(10)(A)(i)(VIII) would cost between \$600 million and
33 \$1.9 billion of state funds between 2014 and 2020, and South
34 Carolina should not expand under this ACA section, but should
35 work to meet current commitments to current populations whom
36 are the most vulnerable; and

37 (8) that expanding Medicaid as described in 42 U.S.C. Section
38 1396a(a)(10)(A)(i)(VIII) does not address root causes of health
39 issues and does not reform the health system.

40
41 Section 1-1-1915. (A) Notwithstanding any provision of law,
42 regulation, rule, or order to the contrary, a public official, officer,

1 or employee of a public body, or any other person or entity during
2 the provision of services on behalf of a public body, shall not:

3 (1) implement or participate in the establishment of a health
4 insurance exchange by the State or a political subdivision of the
5 State, or assist in the enrollment of any person in any health
6 insurance exchange, or provide any other material support,
7 participation, or assistance, with or to a federal agency or
8 employee, or any other person acting on behalf of, in conjunction
9 with, or in support of, any health insurance exchange offering
10 health insurance to employers or residents of this State in order to
11 facilitate any portion of Sections 1501 and 1513 of the ACA,
12 commonly known as the ACA's individual mandate to purchase
13 insurance coverage and the ACA's employer mandate to provide
14 health insurance coverage, respectively. This subsection does not
15 prohibit a public official, officer, or employee of a public body
16 from engaging in incidental communication with a person in
17 response to a request or question concerning how the person may
18 obtain health insurance, including, but not limited to, referring the
19 person to a federal agency or federal agency's website that
20 provides information on or allows a person to enroll in a health
21 insurance exchange;

22 (2) enforce or aid in the enforcement of Section 1501 of the
23 ACA requiring an individual to maintain minimum essential
24 coverage, commonly known as the ACA's individual mandate to
25 purchase insurance coverage;

26 (3) enforce or aid in the enforcement of Section 1513 of the
27 ACA imposing a shared responsibility on employers who do not
28 provide health insurance to full-time employees, commonly known
29 as the employer's mandate to provide health insurance coverage;

30 (4) utilize any assets, state funds, or funds authorized or
31 allocated by the State to any public body, in whole or in part, to
32 engage in any activity that aids in the enforcement of any federal
33 act, law, order, rule, or regulation intended to give effect to or
34 facilitate the enforcement of Section 1501 or 1513 of the ACA;

35 (5) apply for, seek, or receive any public or private grant,
36 allocation, donation, or funds of any kind to be used to support the
37 enrollment of any person in any health insurance exchange
38 offering health insurance to employers or residents of this State in
39 order to facilitate any portion of Sections 1501 and 1513 of the
40 ACA. However, this article does not prohibit the application,
41 authorization, receipt, or expenditure of funds from a federal grant,
42 federal grant program, or other source of federal funds that existed
43 prior to March 23, 2010, that was initially applied for, authorized,

1 or received by or for a public body prior to the effective date of
2 this article. This article does not prohibit the application,
3 authorization, receipt, or expenditure of funds from a grant or grant
4 program authorized or provided for by the ACA, if the grant
5 application or program requirements are posted on the public
6 body's website for a period of at least ten days and the public is
7 provided a reasonable opportunity to comment, and the authorized
8 person acting on behalf of the public body applying for the grant or
9 grant program affirms in writing and under oath, that the funds
10 received from the grant or grant program will not be used to
11 facilitate the enrollment of a person in a health insurance
12 exchange, the grant or grant program does not obligate the State to
13 take any action or obligate any state funds in order to receive the
14 grant or grant program funds, and the grant or grant program does
15 not require any change in state law or regulation; and

16 (6) apply for or utilize any assets, state funds, or funds
17 authorized or allocated by the State to any public body, in whole or
18 in part, to engage in any activity that aids in the enforcement of
19 any federal act, law, order, rule, or regulation intended to give
20 effect to or facilitate the enforcement of any other portion of the
21 ACA.

22 (B) The provisions of subsection (A) shall not apply to:

23 (1) those portions of the ACA that set forth standards,
24 regulations, or other requirements that must be discharged by the
25 South Carolina Department of Health and Human Services in
26 connection with providing Medicaid services to those who qualify
27 for these services under the state standards that are currently in
28 place, which do not and must not include those who would qualify
29 under the Medicaid population expansion authorized by the ACA
30 as set forth in 42 U.S.C. Section 1396a(a)(10)(A)(i)(VIII);

31 (2) those portions of the ACA which provide the South
32 Carolina Department of Health and Human Services with
33 flexibility in administering the Medicaid program;

34 (3) those portions of the ACA that set forth standards,
35 regulations, or other requirements that must be discharged by
36 providers of Medicare and Medicaid services in order to secure
37 Medicare and Medicaid reimbursements;

38 (4) those portions of the ACA that relate to or affect the
39 discharge by the South Carolina Department of Revenue of its
40 obligations pursuant to any shared or reciprocal programs between
41 the State and the federal government, to include, but not be limited
42 to, the State Income Tax Levy Program;

1 (5) those portions of the ACA and any enacting or
2 subsequent standards, regulations, or other requirements that must
3 be discharged by or have a material impact on the duties of the
4 South Carolina Department of Insurance in connection with the
5 regulation of the business of insurance in this State or that impact,
6 or have the potential to impact, the regulation of the business of
7 insurance in this State and the overall health of the health
8 insurance marketplace, including the affordability and availability
9 of coverage. This includes, but is not limited to, any activity
10 resulting from the duties of the Director of Insurance, as amended
11 by this act and promulgated pursuant to Section 38-3-110 and
12 Article 21, Chapter 71, Title 38 as it relates to the registration of
13 navigators. This further includes activities related to consumer
14 education and assistance on health insurance issues as long as the
15 department does not enroll consumers in coverage offered through
16 the health insurance exchange as prohibited under this section; and

17 (6) those portions of the ACA or any regulations or policies
18 implemented pursuant to the ACA that relate to or affect the South
19 Carolina Department of Social Services' obligations pursuant to
20 shared or reciprocal programs, and grants such as Temporary
21 Assistance for Needy Families (TANF), between the State and
22 federal government, and activities undertaken in cooperation with
23 other state or local public bodies that are permitted pursuant to this
24 section.

25 (C) A violation of this section is considered sufficient cause to
26 remove or terminate, as provided by law, a state officer, official, or
27 employee.

28
29 Section 1-1-1920. Notwithstanding the prohibitions in Section
30 1-1-1915, a public official, officer, or employee of a public body is
31 not prohibited by this article from complying with federal laws and
32 relevant statutes governing their respective obligations and
33 responsibilities, including their responsibility to administer the
34 Medicaid program and the insurance plans and benefits offered
35 pursuant to Article 5, Chapter 11, Title 1 in compliance with
36 federal statutes, regulations, and policies, nor does this act limit the
37 South Carolina Department of Health and Human Services' ability
38 to apply for, request, or otherwise develop innovation waivers as
39 set forth in Section 1332 of the ACA. Further, the provisions
40 contained in this article do not preclude a state agency that is
41 authorized to adjust provisions contained in health and dental
42 insurance plans offered or administered by the agency from
43 adjusting the insurance plans it offers or administers to include

1 provisions that are similar to, or the same as, provisions that are
2 contained in the ACA if the agency offering or administering the
3 insurance plan makes a determination independent of the purported
4 directives of the ACA, that the included provisions are in the best
5 interests of those insured and do not threaten the insurance
6 provider's fiscal stability.

7
8 Section 1-1-1925. Notwithstanding any other provision of law,
9 the State shall not establish, facilitate, implement, or participate in
10 expanding Medicaid as described in 42 U.S.C. Section
11 1396a(a)(10)(A)(i)(VIII), which is commonly known as the
12 expansion of the Medicaid program pursuant to the ACA.”

13
14 SECTION 2. Chapter 71, Title 38 of the 1976 Code is amended
15 by adding:

16 “Article 21

17
18 Navigator Registration Act

19
20 Section 38-71-2110. This article may be cited as the ‘Navigator
21 Registration Act’.

22
23 Section 38-71-2120. The General Assembly finds:

24 (1) that the provisions of the federal Patient Protection and
25 Affordable Care Act have caused the formation of a federal health
26 insurance exchange, which will operate in South Carolina under
27 federal law and employ individuals or entities whose role will be to
28 direct individuals and companies to health insurance policies on
29 the health insurance exchange;

30 (2) that state registration of these individuals and entities, to
31 ensure that they are trained and knowledgeable in the subject
32 matter of individual and group health insurance coverage, is
33 necessary to avoid substantial risk to the health, safety, and welfare
34 of the residents of this State;

35 (3) that the U.S. Congress, in the McCarran-Ferguson Act of
36 1945, the Gramm-Leach-Bliley Act of 1999, and in other
37 enactments, has declared that states should regulate the business of
38 insurance and affirmed that the continued regulation of the
39 insurance industry by the states was in the public's best interest;

40 (4) that the federal Centers for Medicare and Medicaid
41 Services are charged with the legal duty of implementing certain
42 aspects of the federal Patient Protection and Affordable Care Act
43 and has recognized, through regulations including, but not limited

1 to, the General Guidance on Federally facilitated Exchanges, p. 4,
2 CMS 2012, and 77 Fed. Reg. 18309, 18448, published March 27,
3 2012, the responsibility of the states' departments of insurance in
4 the licensure and regulation of a person, commonly referred to as a
5 'health care navigator,' who receives grant monies from the United
6 States Department of Health and Human Services, a state or a
7 health insurance exchange, or private money to perform an activity
8 or duty identified in 42 U.S.C. Section 18031(i); and

9 (5) that the federal government providing navigators a role in
10 the facilitation and implementation of the Patient Protection and
11 Affordable Care Act is not absolute and does not prohibit
12 complementary regulation of these individuals and their activities
13 by states, and that the provisions of this article fairly balance the
14 interests of the federal government in providing for the
15 implementation of its program with the interests of the states in
16 protecting their residents from fraudulent and unscrupulous acts by
17 persons of questionable moral character.

18

19 Section 38-71-2130. For the purposes of this article:

20 (1) 'Department' means the South Carolina Department of
21 Insurance.

22 (2) 'Navigator' means a person who is selected to perform the
23 activities and duties identified in 42 U.S.C. Section 18031(i) and
24 includes a person who receives grant monies from the United
25 States Department of Health and Human Services, a state or a
26 health insurance exchange, or private funds to perform an activity
27 or duty identified in 42 U.S.C. Section 18031(i).

28 (3) 'Exchange' means an American Health Benefit Exchange
29 established by the federal government, any state, or political
30 subdivision of a state, as provided for in the ACA.

31

32 Section 38-71-2140. Except as otherwise provided in this title,
33 this chapter applies to any individual or entity registered as a
34 navigator in South Carolina. It does not apply to licensed life,
35 accident, and health insurance producers or licensed life and health
36 insurance companies. This chapter does not apply to any individual
37 or entity that provides assistance to consumers under, and in
38 compliance with, state or federal authority other than 42 U.S.C.
39 Section 18031(i) to the extent the individual or entity is providing
40 assistance consistent with that state or federal authority.

41

42 Section 38-71-2150. An individual or entity shall not act as or
43 purport to be a navigator in this State or provide the services of a

1 navigator unless the individual or entity registers with the
2 department by submitting an application and paying the following
3 registration and registration renewal fee of twenty-five dollars, if
4 the applicant is an individual, or one hundred dollars, if the
5 applicant is some other entity.

6

7 Section 38-71-2160. The registration fee and registration
8 renewal fee is nonrefundable and fully earned upon payment. All
9 fees collected from navigators are to be used by the department to
10 implement and enforce the requirements of this article and the
11 provisions of Title 38.

12

13 Section 38-71-2170. (A) To register as a navigator in South
14 Carolina, an entity shall:

15 (1) provide proof the entity is domiciled in the United States;

16 (2) establish procedures for the handling of personally
17 identifiable and nonpublic information;

18 (3) provide the department with a copy of the entity's
19 authority to operate in South Carolina;

20 (4) designate an officer to act as the responsible party on
21 behalf of the entity and to submit to a background check;

22 (5) provide a list of individuals performing navigator
23 services on behalf of, or under the supervision of, the entity on a
24 form prescribed by the department;

25 (6) provide proof that the individual has complied with the
26 applicable federal education and registration requirements of the
27 ACA and of this article;

28 (7) provide and maintain on file with the department a
29 current business address for notices and other regulatory
30 information; and

31 (8) complete and provide to the department a registration
32 application which must be renewed biennially.

33 (B) To register as a navigator, an individual must:

34 (1) be at least eighteen years of age;

35 (2) provide proof that the individual is a citizen of the
36 United States and has complied with all state and federal laws
37 pertaining to employment in South Carolina and the United States;

38 (3) provide evidence that the individual is a person of good
39 moral character and has not been convicted of a felony or any
40 crime involving moral turpitude within the last ten years that is a
41 ground for denial, suspension, or revocation;

1 (4) provide proof that the individual has complied with the
2 applicable federal education and registration requirements of the
3 ACA and of this article;

4 (5) provide and maintain on file with the department a
5 current business address for notices and other regulatory
6 information;

7 (6) identify the navigator entity that the individual represents
8 or is employed or associated with; and

9 (7) complete and provide the department with a navigator
10 registration application which must be renewed biennially.

11 (C) The department may deny, suspend, or revoke the
12 registration of a navigator registered individual or entity if:

13 (1) the navigator is convicted of a felony offense;

14 (2) the navigator is convicted of a misdemeanor offense
15 involving fraud or dishonesty;

16 (3) the department, after investigation, concludes that the
17 navigator has provided false or fraudulent information to
18 consumers or otherwise deceived or dealt unjustly with the
19 residents of the State of South Carolina as defined in Section
20 38-43-130; or

21 (4) the navigator has engaged in intentional or negligent
22 conduct that has resulted in the release of a consumer's personally
23 identifiable information.

24 (D) An entity registered as a navigator shall report to the
25 department all unauthorized releases of a consumer's personally
26 identifiable information. The entity shall report this unauthorized
27 release of personally identifiable information to the affected
28 individual whose personal information was released within
29 twenty-four hours after discovering, investigating, and verifying
30 the breach.

31 (E) Notwithstanding another provision of law, a navigator shall
32 not sell, solicit, or negotiate insurance in this State for any class or
33 classes of insurance when assisting an individual with enrollment
34 or performing any other insurance navigator activities or duties
35 through a health insurance exchange established or operating in
36 this State, including an exchange established or operated by the
37 United States Department of Health and Human Services without
38 first being licensed as a producer in accordance with applicable
39 South Carolina law.

40 (F) A navigator and his administrative staff shall keep all
41 personally identifiable information secure pursuant to Title 45, Part
42 155 of the Code of Federal Regulations. The department shall

1 revoke the registration of a navigator who fails to comply with the
2 requirements of this article.

3 (G) The department shall maintain a website for the purpose of
4 providing the public with a complete list of all currently registered
5 navigators in this State.

6

7 Section 38-71-2180. A person acting as a navigator pursuant to
8 42 U.S.C. Section 18031(i) on the effective date of this act shall
9 register within ninety days after the effective date of this act with
10 the department as provided in this article in order to continue
11 performing the duties and activities of a navigator in this State
12 after the effective date of this act. An entity that receives grant
13 monies from the United States Department of Health and Human
14 Services, a health insurance exchange, or private money to perform
15 an activity or duty identified in 42 U.S.C. Section 18031(i) shall
16 register within ninety days of receiving the grant monies with the
17 department as provided in this article in order to begin performing
18 the duties and activities of a navigator in this State.

19

20 Section 38-71-2190. An entity employing an individual as a
21 navigator shall require that individual to register with the
22 department within thirty days after successfully completing the
23 federal education and registration requirements for navigators.

24

25 Section 38-71-2200. An entity employing an individual
26 registered as a navigator shall notify the department, in writing, of
27 any change in the status of a navigator, including, but not limited
28 to, suspension, termination, or resignation, within thirty days of the
29 status change.

30

31 Section 38-71-2210. A person who violates the provisions of
32 this article shall be subject to the penalties and disciplinary action
33 set forth in Section 38-2-10.

34

35 Section 38-99-2220. Unless registered with the department as a
36 navigator under this article, an entity or individual may not:

37 (1) use the term 'navigator' as part of an entity's name or
38 website address or in an individual's title; or

39 (2) imply or represent that the entity or individual is a
40 navigator in advertising or outreach material.

41

42 Section 38-99-2230. The department may promulgate
43 regulations necessary to carry out the provisions of this article.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43

Section 38-99-2240. The director or his designee is authorized to impose additional requirements on registrants or applicants for registration under this article through administrative action so long as those requirements are consistent with the requirements applicable to individual licensees of the department as set forth in statute or regulation.

Section 38-99-2250. If a court of competent jurisdiction holds that any provision of this article or its application to any person or circumstance is invalid for any reason, the invalidity does not affect other provisions or applications of this article that can be given effect without the invalid provision or application.”

SECTION 3. Section 38-3-110 of the 1976 Code, as last amended by Act 191 of 2014, is further amended by adding an appropriately numbered item to read:

“() The director must take reasonable steps and all appropriate action to limit federal intrusion into the regulation of the business of insurance in this State. This includes, but is not limited to, regulation of the insurance products offered through any exchange or other insurance marketplace operating in the State pursuant to any federal act, regulation, or action, including the Patient Protection and Affordable Care Act of 2010 and its enacting regulations.”

SECTION 4. (A) The Governor is hereby authorized and requested to communicate this act to the legislatures of the several states, to assure them that this State considers the Union was established for specified purposes, and particularly for those specified in the United States Constitution to be friendly to the peace, happiness, and prosperity of all the states; that faithful to that Constitution, according to the plain intent and meaning in which it was understood and accorded to by the several states, the State of South Carolina is sincerely anxious for its preservation; that it does also believe that to take from the states all of the powers of self-government, and transfer them to a general and consolidated government, without regard to the special delegations and reservations solemnly agreed to by the states in that Constitution, is not for the peace, happiness, or prosperity of the states; and that therefore, the State of South Carolina is determined, as it doubts not most of its sister states are, never to

1 submit to undelegated, and consequently unlimited, powers
2 claimed to be possessed by any man or body of men.

3 (B) The Governor is hereby authorized and requested to call on
4 our sister states for an expression of their sentiments on the Patient
5 Protection and Affordable Care Act of 2010, plainly declaring
6 whether these acts are or are not authorized by the United States
7 Constitution; that it is the position of the State of South Carolina
8 that the Patient Protection and Affordable Care Act of 2010
9 amounts to an undisguised declaration that the Constitution is not
10 meant to be the measure of the powers of the federal government,
11 but that it will proceed in the exercise over the State of South
12 Carolina and its sister states of all powers whatsoever; that our
13 sister states view this action as seizing the rights of the States and
14 consolidating them in the hands of the federal government with a
15 power assumed to bind the states, but in all cases whatsoever, by
16 laws made, not with their consent, but by others against their
17 consent; that this would be to surrender the form of government we
18 have chosen, and to live under one deriving its powers from its
19 own will, and not from our authority; and that the sister states
20 recurring to their natural right, will concur with the State of South
21 Carolina in declaring the Patient Protection and Affordable Care
22 Act of 2010 void, and of no force, and will each unite with the
23 State of South Carolina in requesting its immediate repeal, and also
24 pass legislation similar to this act within their own state
25 legislatures.

26
27 SECTION 5. This act takes effect upon approval by the Governor.

28 ----XX----

29