



Written by [Larry Greenley](#) on February 1, 2011

12 States Have Bills to Nullify ObamaCare

These 12 bills share the similarity of declaring the entire ObamaCare law — which is actually two laws, known officially as the “Patient Protection and Affordable Care Act” and the “Health Care and Education Reconciliation Act of 2010” — to be null and void within the respective states, since it presumes powers for the federal government not authorized by the Constitution of the United States. Nearly all of the bills contain provisions for criminal penalties for officials, officers, and agents of the federal and state governments who would try to enforce the ObamaCare law within the subject state. These enforcement “teeth” vary from one state bill to another. Under Montana’s SB 161, “A violation of subsection (4) or (5) is a felony and is punishable by a fine of up to \$5,000, incarceration in a county jail for up to 1 year, or both.” The Texas bill, HB297, carries similar penalties. New Hampshire, on the other hand, considers violations to be misdemeanors and doesn’t specify either a fine amount or jail sentence.



With congressional repeal of ObamaCare possibly as much as a couple of years away, and state law suits and appeals likely to drag on for years, state nullification is the best strategy for immediately bogging down ObamaCare and preventing its implementation.

It is likely that before the end of 2011, nullification bills will have been introduced in 20 or more states.

If only one or two states pass their nullification bills, the federal government would likely steamroller them into submission. However, if 10 or 20 states enact ObamaCare nullification bills, it will open a whole new ball game, creating a situation similar to the multi-state refusal to implement the REAL ID Act. Although passed by Congress and signed by President Bush in 2005, the REAL ID national identification card law has not been enforced because 25 states have refused to go along with this federal usurpation of state authority. It’s hard to predict the course of events for the ObamaCare nullification scenario, but there is little doubt that if a similar number of states as opposed REAL ID actually enact nullification bills it would be a healthy step toward restoration of federalism, as envisioned by our founders. With this type of action, the states would be asserting their “reserved” powers, as enunciated in the Tenth Amendment, and reclaiming their status as sovereign parties to the compact that created the federal government in the first place.

The [“Nullify Now!” national speaker tour](#), organized by the Tenth Amendment Center and WeRefuse, is expected to boost passage in many of these states. *The New American* is a [national sponsor](#) of the tour, which features, among other speakers, historian Thomas E. Woods, bestselling author of [Nullification: How to Resist Federal Tyranny in the 21 Century](#).



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Photo: Idaho state capitol

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