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**HOUSE BILL NO. 338**

Offered January 13, 2016

Prefiled January 5, 2016

A *BILL to amend the Code of Virginia by adding in Title 1 a chapter numbered 4.1, consisting of sections numbered 1-409 and 1-410, relating to the sovereign authority of the Commonwealth; use of resources to enforce the Affordable Care Act.*

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 Patron—Pogge
 

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Referred to Committee on Appropriations

**Be it enacted by the General Assembly of Virginia:**

**1. That the Code of Virginia is amended by adding in Title 1 a chapter numbered 4.1, consisting of sections numbered 1-409 and 1-410, as follows:**

**CHAPTER 4.1.****SOVEREIGN AUTHORITY.****§ 1-409. Definitions.**

*As used in this chapter, unless the context requires a different meaning:*

*"Affordable Care Act" or "Act" means the Patient Protection and Affordable Care Act (P.L. 111-148), as amended by the Health Care and Education Reconciliation Act of 2010 (P.L. 111-152), and as it may be further amended, and any rules adopted pursuant to those acts.*

**§ 1-410. Sovereign authority; Affordable Care Act.**

*A. Pursuant to the sovereign authority of the Commonwealth, the Commonwealth and all political subdivisions of the Commonwealth are prohibited from using any personnel or financial resources to enforce, administer, or cooperate with the Affordable Care Act by:*

- 1. Funding or implementing a state-based health care exchange or marketplace;*
- 2. Limiting the availability of self-funded health insurance programs or the reinsurance or other products that are traditionally used with self-funded health insurance programs;*
- 3. Funding or aiding in the prosecution of any entity for a violation of the Act, except as necessary to maintain the program integrity of the State Plan for Medical Assistance under Title XIX of the Social Security Act, 42 U.S.C. § 1396 et seq. (Medicaid), or Title XXI of the Social Security Act, 42 U.S.C. § 1397aa et seq. (CHIP); or*
- 4. Funding or administering any program or provision of the Act except for regulatory activities that:*
  - a. Are associated with § 38.2-3420 and Article 7 (§ 38.2-3455 et seq.) of Chapter 34 of Title 38.2;*
  - b. Are administered with respect to any existing or future assessment on hospital revenues, discharges, or bed days for the purpose of funding the nonfederal share of the costs of the State Plan for Medical Assistance under Title XIX of the Social Security Act, 42 U.S.C. § 1396 et seq. (Medicaid), or Title XXI of the Social Security Act, 42 U.S.C. § 1397aa et seq. (CHIP);*
  - c. Involve the State Plan for Medical Assistance under Title XIX of the Social Security Act, 42 U.S.C. § 1396 et seq. (Medicaid), or Title XXI of the Social Security Act, 42 U.S.C. § 1397aa et seq. (CHIP); or*
  - d. Are associated with initiatives, grants, or other funding related to public health treatment, preparedness, education, or prevention programs authorized by the Affordable Care Act, provided that the funding does not impose unrelated requirements on the Commonwealth or its political subdivisions that are outside the scope of the specific program.*

*B. The Commonwealth and all political subdivisions of the Commonwealth may use personnel or financial resources to provide employee health insurance benefits, and such employee health insurance benefits may be in compliance with all provisions of the Act.*

INTRODUCED

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