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# SENATE BILL No. 502

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## DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 1-1-2.5.

**Synopsis:** Federal interference in intrastate commerce. Provides that all goods grown, manufactured, or made in Indiana and all services performed in Indiana, when the goods or services are sold, maintained, or retained in Indiana are not subject to the authority of the Congress of the United States under its constitutional power to regulate commerce. Provides that a person who knowingly or intentionally enforces or attempts to enforce an act, order, law, rule, or regulation of the United States purporting to regulate Indiana goods or services commits a Class D felony.

**Effective:** Upon passage.

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### Miller

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January 13, 2011, read first time and referred to Committee on Commerce & Economic Development.

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First Regular Session 117th General Assembly (2011)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2010 Regular Session of the General Assembly.

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## SENATE BILL No. 502



A BILL FOR AN ACT to amend the Indiana Code concerning general provisions.

*Be it enacted by the General Assembly of the State of Indiana:*

1 SECTION 1. IC 1-1-2.5 IS ADDED TO THE INDIANA CODE AS  
2 A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE UPON  
3 PASSAGE]:

4 **Chapter 2.5. Inapplicability of Congressional Power Over**  
5 **Indiana Goods and Services**

6 **Sec. 1. The General Assembly declares the following:**

7 (1) **The Tenth Amendment to the Constitution of the United**  
8 **States provides that the only powers that the federal**  
9 **government may exercise are those that have been delegated**  
10 **to it in the Constitution of the United States.**

11 (2) **The Ninth Amendment to the Constitution of the United**  
12 **States guarantees to the people rights not enumerated in the**  
13 **Constitution and reserves to the people of Indiana those**  
14 **rights.**

15 (3) **Under Article I, Section 8, Clause 3 of the Constitution of**  
16 **the United States, the federal government is empowered to**  
17 **regulate commerce among the several states.**



1           **(4) The power to regulate intrastate commerce is reserved to**  
 2           **the states or the people under the Ninth and Tenth**  
 3           **Amendments to the Constitution of the United States.**  
 4           **(5) During the Constitutional Convention, the founders**  
 5           **considered a plan that would have authorized the federal**  
 6           **government not only to regulate commerce among the several**  
 7           **states, but also to regulate any activity having spillover effects**  
 8           **across state lines. The founders rejected this latter idea.**  
 9           **(6) All goods grown, manufactured, or made in Indiana and**  
 10           **all services performed in Indiana, when such goods or services**  
 11           **are sold, maintained, and retained in Indiana are not subject**  
 12           **to the authority of the Congress of the United States under its**  
 13           **constitutional power to regulate commerce among the several**  
 14           **states.**  
 15           **Sec. 2. This chapter applies to all Indiana goods and services**  
 16           **after April 20, 2011.**  
 17           **Sec. 3. As used in this chapter, "Indiana goods and services"**  
 18           **refers to either of the following:**  
 19           **(1) Goods produced, sold, and retained within Indiana after**  
 20           **April 30, 2011.**  
 21           **(2) Services performed in Indiana.**  
 22           **Sec. 4. Any person who knowingly or intentionally enforces or**  
 23           **attempts to enforce an act, order, law, rule, or regulation of the**  
 24           **United States purporting to regulate Indiana goods or services**  
 25           **commits a Class D felony.**  
 26           **SECTION 2. An emergency is declared for this act.**

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