
SENATE JOINT RESOLUTION 8220

State of Washington 61st Legislature 2010 Regular Session

By Senators Stevens, Holmquist, Swecker, King, Carrell, and Becker

Read first time 01/14/10. Referred to Committee on Health & Long-Term Care.

1 BE IT RESOLVED, BY THE SENATE AND HOUSE OF REPRESENTATIVES OF THE
2 STATE OF WASHINGTON, IN LEGISLATIVE SESSION ASSEMBLED:

3 THAT, At the next general election to be held in this state the
4 secretary of state shall submit to the qualified voters of the state
5 for their approval and ratification, or rejection, an amendment to
6 Article XX of the Constitution of the state of Washington by adding a
7 new section to read as follows:

8 Article XX, section (1) A law or rule shall not
9 directly or indirectly compel any person, employer, or health care
10 provider to participate in any health care system. A person or
11 employer may pay directly for lawful health care services and shall not
12 be required to pay penalties or fines for paying directly for lawful
13 health care services. A health care provider may accept direct payment
14 for lawful health care services and shall not be required to pay
15 penalties or fines for accepting direct payment from a person or
16 employer for lawful health care services. Subject to reasonable and
17 necessary rules that do not substantially limit a person's options, the
18 purchase or sale of health insurance in private health care systems
19 shall not be prohibited by law or rule.

1 (2) The provisions of this section do not affect:

2 (a) Health care services a health care provider or hospital is
3 required to perform or provide;

4 (b) Health care services permitted by law;

5 (c) The terms or conditions of any health care system to the extent
6 that those terms and conditions do not have the effect of punishing a
7 person or employer for paying directly for lawful health care services
8 or a health care provider or hospital for accepting direct payment from
9 a person or employer for lawful health care services.

10 (3) For the purposes of this section:

11 (a) "Compel" includes penalties or fines.

12 (b) "Direct payment or pay directly" means payment for lawful
13 health care services without a public or private third party, not
14 including an employer, paying for any portion of the service.

15 (c) "Health care system" means any public or private entity whose
16 function or purpose is the management of, processing of, enrollment of
17 individuals for or payment for, in full or in part, health care
18 services or health care data or health care information for its
19 participants.

20 (d) "Lawful health care services" means any health-related service
21 or treatment to the extent that the service or treatment is permitted
22 or not prohibited by law or regulation that may be provided by persons
23 or businesses otherwise permitted to offer such services.

24 (e) "Penalties or fines" means any civil or criminal penalty or
25 fine, tax, salary or wage withholding, or surcharge or any named fee
26 with a similar effect established by law or rule by a government
27 established, created, or controlled agency that is used to punish or
28 discourage the exercise of rights protected under this section.

29 BE IT FURTHER RESOLVED, That the secretary of state shall cause
30 notice of this constitutional amendment to be published at least four
31 times during the four weeks next preceding the election in every legal
32 newspaper in the state.

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