
SENATE BILL 6890

State of Washington 61st Legislature 2010 1st Special Session

By Senators Benton and Holmquist

Read first time 03/24/10. Referred to Committee on Health & Long-Term Care.

1 AN ACT Relating to adopting the Washington state health care
2 freedom act of 2010; adding new sections to chapter 48.44 RCW; and
3 adding a new section to chapter 43.10 RCW.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

5 NEW SECTION. **Sec. 1.** This act may be known and cited as the
6 Washington state health care freedom act of 2010.

7 NEW SECTION. **Sec. 2.** (1) A law or rule pertaining to health care
8 shall not directly or indirectly compel any person, employer, or health
9 care provider to participate in any health care system.

10 (2) A person or employer may pay directly for lawful health care
11 services and shall not be required to pay any penalty, fine, or other
12 sanction for paying directly for lawful health care services.

13 (3) A health care provider may accept direct payment for lawful
14 health care services and shall not be required to pay any penalty,
15 fine, or other sanction for accepting direct payment from a person or
16 employer for lawful health care services.

17 (4) Subject to reasonable and necessary rules that do not
18 significantly and substantially limit a person's or employer's options

1 to participate in any health care system or obtain lawful health care
2 services, the purchase or sale of health insurance in private health
3 care systems shall not be prohibited by law or rule.

4 (5) The provisions of this section do not affect:

5 (a) Health care services a health care provider or facility is
6 required to perform or provide;

7 (b) Health care services permitted by law;

8 (c) The terms or conditions of any health care system to the extent
9 that those terms and conditions do not have the effect of sanctioning
10 a person or employer for paying directly for lawful health care
11 services or a health care provider or facility for accepting direct
12 payment from a person or employer for lawful health care services.

13 (6) No public official, law enforcement official, employee, or
14 agent of the state of Washington or any of its political subdivisions
15 shall act to impose, collect, enforce, or effectuate any civil or
16 criminal penalty as a result of any law or rule that violates the
17 provisions of this section.

18 (7) The attorney general shall take such action as is provided in
19 section 3 of this act, in the defense or prosecution of rights
20 protected under this section.

21 (8) For the purposes of this section:

22 (a) "Compel" includes penalties, fines, or other sanctions.

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

26 (c) "Health care system" means any public or private entity whose
27 function or purpose is the management of, processing of, enrollment of
28 individuals for or payment for, in full or in part, health care
29 services or health care data or health care information for its
30 participants.

31 (d) "Lawful health care services" means any health-related service
32 or treatment to the extent that the service or treatment is permitted
33 or not prohibited by law or rule that may be provided by persons or
34 entities otherwise permitted or not prohibited by law to offer such
35 services.

36 (e) "Penalties, fines, or other sanctions" means any civil or
37 criminal penalty, fine, tax, salary or wage withholding, surcharge, or
38 any other sanction with a similar effect established by law or rule by

1 a government established, created, controlled, or regulated agency that
2 is used to sanction or discourage the exercise of rights protected
3 under this section.

4 (9) Any federal law, rule, order, or other act by the federal
5 government violating the provisions of this section is hereby declared
6 to be invalid in this state, is not recognized by and is specifically
7 rejected by this state, and is considered as null and void and of no
8 effect in this state.

9 NEW SECTION. **Sec. 3.** A new section is added to chapter 43.10 RCW
10 to read as follows:

11 The attorney general shall seek injunctive and any other
12 appropriate relief to preserve the rights of the citizens of Washington
13 state in the event that any law or regulation violating section 2 of
14 this act is enacted by any government, subdivision, or agency thereof.

15 NEW SECTION. **Sec. 4.** Sections 1 and 2 of this act are each added
16 to chapter 48.44 RCW.

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