
SENATE JOINT MEMORIAL 8041

State of Washington 58th Legislature 2004 Regular Session

By Senators Jacobsen, Berkey, Schmidt, Kastama, Kline, Keiser, Kohl-Welles, Spanel, Eide, Rasmussen and Winsley

Read first time 01/26/2004. Referred to Committee on Health & Long-Term Care.

1 TO THE HONORABLE GEORGE W. BUSH, PRESIDENT OF THE UNITED STATES,
2 AND TO THE PRESIDENT OF THE SENATE AND THE SPEAKER OF THE HOUSE OF
3 REPRESENTATIVES, AND TO THE SENATE AND HOUSE OF REPRESENTATIVES OF THE
4 UNITED STATES, IN CONGRESS ASSEMBLED:

5 We, your Memorialists, the Senate and House of Representatives of
6 the State of Washington, in legislative session assembled, respectfully
7 represent and petition as follows:

8 WHEREAS, The promotion of health care coverage parity for
9 individuals participating in legal recreational activities or legal
10 transportation activities is essential to a healthy society; and

11 WHEREAS, The Health Insurance Portability and Accountability Act
12 (HIPAA) became law in 1996, prohibiting employers from denying health
13 care coverage based on a worker's preexisting medical conditions or
14 participation in legal activities; and

15 WHEREAS, The U.S. Department of Health and Human Services released
16 the final rules that would administer the HIPAA law in 2001; and

17 WHEREAS, The rules recognize that employers cannot refuse health
18 care coverage to an employee on the basis of their participation in a
19 recognized recreational activity. However, the benefits can be denied

1 for injuries sustained in connection with those recreational
2 activities; and

3 WHEREAS, The Washington State Legislature believes that there is an
4 inherent conflict between this federal statute and the final rule
5 making; and

6 WHEREAS, The final rule grants protective status to recreationists
7 without any substantive benefits; and

8 WHEREAS, The final rule does not reflect the original intent of
9 HIPAA; and

10 WHEREAS, The federal government has drafted new legislation
11 S.423/H.R. 1749, "The Health Care Parity for Legal Transportation and
12 Recreational Activities Act" to remedy the problem; and

13 WHEREAS, The Washington State Legislature calls upon the United
14 States Congress to affirm and protect the health care coverage of those
15 individuals who pursue active and healthy lifestyles; and

16 WHEREAS, The Washington State Legislature affirms its strong
17 support for the rights of recreationists and opposes measures that deny
18 benefits to those injuries sustained while recreating; and

19 WHEREAS, The Washington State Legislature affirms its commitment to
20 uphold health care parity and coverage, and therefore expresses its
21 support of S.423/H.R. 1749, "The Health Care Parity for Legal
22 Transportation and Recreational Activities Act"; and

23 WHEREAS, The Washington State Legislature believes that a plan or
24 issuer should not deny benefits otherwise provided for the treatment of
25 an injury solely because such injury resulted from participation of the
26 enrollee in an activity such as motorcycling, snowmobiling, all-terrain
27 vehicle riding, horseback riding, skiing, or other similar legal
28 activity;

29 NOW, THEREFORE, Your Memorialists respectfully pray that the United
30 States Congress pass and the President of the United States sign, "The
31 Health Care Parity for Legal Transportation and Recreational Activities
32 Act."

33 BE IT RESOLVED, That copies of this Memorial be immediately
34 transmitted to the Honorable George W. Bush, President of the United
35 States, the President of the United States Senate, the Speaker of the
36 House of Representatives, and each member of Congress from the State of

1 Washington.

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