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**ENGROSSED SENATE BILL 5632**

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**State of Washington 68th Legislature 2023 Regular Session**

**By** Senators Keiser, Cleveland, Conway, Hasegawa, Hunt, Kuderer, Lovelett, Stanford, Valdez, and C. Wilson

AN ACT Relating to protecting the health care of workers exercising their right to participate in a labor dispute; adding a new section to chapter 49.64 RCW; and creating a new section.

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

NEW SECTION. **Sec.**  A new section is added to chapter 49.64 RCW to read as follows:

(1) By January 1, 2025, the health benefit exchange created under chapter 43.71 RCW must administer a worker health plan access assistance program to help Washingtonians who lose health care coverage provided by their employer or a joint labor management trust as a result of an active strike, lockout, or other labor dispute.

(2) Subject to the availability of state funding appropriated for this specific purpose, an individual and their dependents are eligible for the program created in subsection (1) of this section if the individual:

(a) Provides a self-attestation regarding loss of minimum essential health care coverage from an employer or joint labor management trust fund as a result of an active strike, lockout, or other labor dispute;

(b) Enrolls in a silver standardized health plan under RCW 43.71.095;

(c) Applies for and accepts all applicable federal and state subsidies for which the household may be eligible;

(d) Is ineligible for minimum essential coverage through medicare, a federal or state medical assistance program administered by the health care authority under chapter 74.09 RCW, or for premium assistance under RCW 43.71A.020; and

(e) Is eligible to purchase a qualified health plan through the health benefit exchange.

(3) The health benefit exchange may disqualify a participant from the program if the participant:

(a) No longer meets the eligibility criteria in subsection (2) of this section;

(b) Fails, without good cause, to comply with procedural or documentation requirements established by the health benefit exchange in accordance with subsection (5) of this section;

(c) Fails, without good cause, to notify the health benefit exchange when the minimum essential coverage provided by the employer or joint labor management trust fund is reinstated;

(d) Voluntarily withdraws from the program; or

(e) Performs an act, practice, or omission that constitutes fraud.

(4) The health benefit exchange may request, and applicable employer, labor organization, or other appropriate representatives, must provide, information to determine the status of a strike, lockout, or labor dispute, its impact to coverage, and any other information determined by the health benefit exchange as necessary to determine eligibility for financial assistance under this section.

(5) The health benefit exchange must establish requirements for the program established in subsection (1) of this section that include, but are not limited to:

(a) Procedural requirements for eligibility and continued participation, including participant documentation requirements that are necessary to administer the program;

(b) Procedural requirements for facilitating payments to and from carriers; and

(c) A process for providing enrollment assistance.

NEW SECTION. **Sec.**  This act may be known and cited as the worker health care protection act.

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