
ENGROSSED SENATE BILL 5632

State of Washington

68th Legislature

2023 Regular Session

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

Read first time 01/30/23. Referred to Committee on Health & Long Term Care.

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

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

5 NEW SECTION. **Sec. 1.** A new section is added to chapter 49.64
6 RCW to read as follows:

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

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

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

20 (b) Enrolls in a silver standardized health plan under RCW
21 43.71.095;

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

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

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

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

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

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

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

19 (d) Voluntarily withdraws from the program; or

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

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

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

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

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

36 (c) A process for providing enrollment assistance.

1 NEW SECTION. **Sec. 2.** This act may be known and cited as the
2 worker health care protection act.

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