

State of Arizona  
Senate  
Fiftieth Legislature  
First Regular Session  
2011

# SENATE BILL 1088

AN ACT

AMENDING TITLE 20, CHAPTER 1, ARTICLE 3, ARIZONA REVISED STATUTES, BY ADDING SECTION 20-184; RELATING TO MANDATED HEALTH COVERAGE.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Title 20, chapter 1, article 3, Arizona Revised Statutes,  
3 is amended by adding section 20-184, to read:

4 20-184. Compulsory participation in health care system or  
5 purchase of health insurance: violation:  
6 classification: definitions

7 A. THE FOLLOWING ACTS VIOLATE CIVIL RIGHTS PROTECTED BY ARTICLE XXVII,  
8 SECTION 2, CONSTITUTION OF ARIZONA:

9 1. A KNOWING ATTEMPT BY ANY GOVERNMENTAL OFFICIAL TO DIRECTLY OR  
10 INDIRECTLY COMPEL ANY PERSON, EMPLOYER OR HEALTH CARE PROVIDER TO PARTICIPATE  
11 IN ANY HEALTH CARE SYSTEM AGAINST THEIR WILL.

12 2. A KNOWING ATTEMPT, BY THREAT OR IMPOSITION OF PENALTIES OR FINES,  
13 BY ANY GOVERNMENT OFFICIAL TO PREVENT:

14 (a) ANY PERSON OR EMPLOYER FROM PAYING DIRECTLY FOR LAWFUL HEALTH CARE  
15 SERVICES.

16 (b) ANY HEALTH CARE PROVIDER FROM ACCEPTING DIRECT PAYMENT FOR LAWFUL  
17 HEALTH CARE SERVICES.

18 3. ANY KNOWING ATTEMPT BY ANY GOVERNMENT OFFICIAL TO ENFORCE  
19 PROHIBITIONS ON THE PURCHASE OR SALE OF HEALTH INSURANCE IN PRIVATE HEALTH  
20 CARE SYSTEMS THAT IS OTHERWISE AUTHORIZED BY THE LAWS OF THIS STATE.

21 B. A VIOLATION OF THIS SECTION IS A CLASS 1 MISDEMEANOR.

22 C. THIS SECTION DOES NOT PROHIBIT CARE PROVIDED PURSUANT TO ARTICLE  
23 XVIII, SECTION 8, CONSTITUTION OF ARIZONA OR ANY STATUTES ENACTED BY THE  
24 LEGISLATURE RELATING TO WORKERS' COMPENSATION.

25 D. FOR THE PURPOSES OF THIS SECTION:

26 1. "COMPEL" INCLUDES THREATENING THE IMPOSITION OF PENALTIES OR FINES.

27 2. "DIRECT PAYMENT" OR "PAYING DIRECTLY" MEANS PAYMENT FOR LAWFUL  
28 HEALTH CARE SERVICES WITHOUT A PUBLIC OR PRIVATE THIRD PARTY, OTHER THAN AN  
29 EMPLOYER, PAYING FOR ANY PART OF THE SERVICE.

30 3. "HEALTH CARE SYSTEM" MEANS ANY PUBLIC OR PRIVATE ENTITY WHOSE  
31 FUNCTION OR PURPOSE IS TO MANAGE, PROCESS, ENROLL IN OR PAY FOR ALL OR PART  
32 OF HEALTH CARE SERVICES OR HEALTH CARE DATA OR HEALTH CARE INFORMATION FOR  
33 ITS PARTICIPANTS.

34 4. "LAWFUL HEALTH CARE SERVICES" MEANS ANY HEALTH-RELATED SERVICE OR  
35 TREATMENT TO THE EXTENT THAT THE SERVICE OR TREATMENT IS PERMITTED OR NOT  
36 PROHIBITED BY LAW OR RULE THAT MAY BE PROVIDED BY PERSONS OR BUSINESSES  
37 OTHERWISE PERMITTED TO OFFER THE SERVICE OR TREATMENT.

38 5. "PENALTIES" OR "FINES" MEANS ANY CIVIL OR CRIMINAL PENALTY OR FINE,  
39 TAX, SALARY OR WAGE WITHHOLDING OR SURCHARGE OR ANY NAMED FEE WITH A SIMILAR  
40 EFFECT ESTABLISHED BY LAW OR RULE BY A GOVERNMENT ESTABLISHED, CREATED OR  
41 CONTROLLED AGENCY THAT IS USED TO PUNISH OR DISCOURAGE THE EXERCISE OF RIGHTS  
42 PROTECTED UNDER THIS SECTION.