

REFERENCE TITLE: interstate compact; health care..

State of Arizona  
Senate  
Fiftieth Legislature  
First Regular Session  
2011

## **SB 1214**

Introduced by  
Senators Allen, Shooter, Smith; Antenori, Griffin, Klein, Melvin;  
Representatives Barton, Crandell

AN ACT

AMENDING TITLE 20, ARIZONA REVISED STATUTES, BY ADDING CHAPTER 22; RELATING  
TO THE INTERSTATE HEALTH CARE FREEDOM COMPACT.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

2 Section 1. Title 20, Arizona Revised Statutes, is amended by adding  
3 chapter 22, to read:

4 CHAPTER 22

5 INTERSTATE HEALTH CARE FREEDOM COMPACT

6 ARTICLE 1. INTERSTATE HEALTH CARE FREEDOM COMPACT

7 20-3201. Adoption of compact; text of compact

8 THE GOVERNOR IS AUTHORIZED AND DIRECTED TO ENTER INTO A COMPACT ON  
9 BEHALF OF THIS STATE WITH ANY OF THE UNITED STATES LAWFULLY JOINED IN THE  
10 COMPACT IN A FORM SUBSTANTIALLY AS FOLLOWS:

11 ARTICLE I

12 FINDINGS AND DECLARATION OF POLICY

13 A. 4 UNITED STATES CODE SECTION 112 GIVES CONGRESSIONAL CONSENT "TO  
14 ANY TWO OR MORE STATES TO ENTER INTO AGREEMENTS OR COMPACTS FOR COOPERATIVE  
15 EFFORT AND MUTUAL ASSISTANCE IN THE PREVENTION OF CRIME AND IN THE  
16 ENFORCEMENT OF THEIR RESPECTIVE CRIMINAL LAWS AND POLICIES, AND TO ESTABLISH  
17 SUCH AGENCIES, JOINT OR OTHERWISE, AS THEY MAY DEEM DESIRABLE FOR MAKING  
18 EFFECTIVE SUCH AGREEMENTS AND COMPACTS".

19 B. PURSUANT TO THEIR POLICE POWERS TO PROTECT PUBLIC HEALTH, SAFETY,  
20 WELFARE AND MORALS, THE PARTY STATES HAVE ENACTED OR ANTICIPATE ENACTING LAWS  
21 OR CONSTITUTIONAL PROVISIONS TO PROTECT AND GUARANTEE THEIR RESIDENTS' RIGHTS  
22 AND FREEDOM TO PAY OR NOT TO PAY DIRECTLY FOR HEALTH CARE SERVICES AND TO  
23 PARTICIPATE OR NOT TO PARTICIPATE IN HEALTH PLANS AND HEALTH SYSTEMS.

24 C. THE PARTY STATES HAVE ENACTED OR ANTICIPATE ENACTING LAWS THAT MAKE  
25 IT A CRIME IN THEIR STATE FOR ANYONE TO INTERFERE WITH THEIR RESIDENTS'  
26 ENJOYMENT OF THE RIGHTS AND FREEDOMS GUARANTEED BY THEIR RESPECTIVE HEALTH  
27 CARE FREEDOM LAWS.

28 D. THE PARTY STATES FIND IT NECESSARY AND DEEM IT DESIRABLE FOR MAKING  
29 EFFECTIVE THEIR RESPECTIVE CURRENT OR ANTICIPATED HEALTH CARE FREEDOM  
30 CRIMINAL LAWS, AS WELL AS THIS AGREEMENT AND COMPACT, TO DO THE FOLLOWING:

31 1. PROHIBIT ANY GOVERNMENTAL AGENT FROM DEPRIVING ANY RESIDENT OF ANY  
32 PARTY STATE OF THE RIGHTS AND FREEDOMS GUARANTEED UNDER THEIR RESPECTIVE  
33 CURRENT OR ANTICIPATED HEALTH CARE FREEDOM LAWS.

34 2. PROHIBIT ANY GOVERNMENTAL AGENT FROM PENALIZING ANY RESIDENT OF ANY  
35 PARTY STATE FOR EXERCISING THE RIGHTS AND FREEDOMS GUARANTEED UNDER THEIR  
36 RESPECTIVE CURRENT OR ANTICIPATED HEALTH CARE FREEDOM LAWS.

37 3. COOPERATE WITH EACH OTHER AND TO GIVE EACH OTHER MUTUAL ASSISTANCE  
38 IN THE PREVENTION OF CRIMES UNDER THE HEALTH CARE FREEDOM CRIMINAL LAWS OF  
39 ANY PARTY STATE.

40 4. COOPERATE WITH EACH OTHER AND TO GIVE EACH OTHER MUTUAL ASSISTANCE  
41 IN THE CRIMINAL PROSECUTION OF ANYONE WHO VIOLATES THE HEALTH CARE FREEDOM  
42 CRIMINAL LAWS OF ANY PARTY STATE.

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ARTICLE II  
DEFINITIONS

AS USED IN THIS COMPACT, UNLESS THE CONTEXT CLEARLY INDICATES OTHERWISE:

1. "HEALTH CARE FREEDOM CRIMINAL LAWS" MEANS ANY STATE LAW THAT MAKES IT A CRIME FOR ANYONE TO INTERFERE WITH A RESIDENT'S ENJOYMENT OF THE FREEDOMS PROTECTED AND GUARANTEED BY THE STATE'S RESPECTIVE HEALTH CARE FREEDOM LAWS.

2. "HEALTH CARE FREEDOM LAWS" MEANS ANY STATE LAW OR CONSTITUTIONAL PROVISION THAT PROTECTS AND GUARANTEES A RESIDENT'S FREEDOM TO PAY OR NOT TO PAY DIRECTLY FOR LAWFUL HEALTH CARE SERVICES AND TO PARTICIPATE OR NOT TO PARTICIPATE IN HEALTH CARE PLANS AND HEALTH CARE SYSTEMS.

3. "HEALTH CARE PLAN" MEANS ANY LEGALLY BINDING ARRANGEMENT UNDER WHICH AT LEAST ONE PERSON OR ENTITY PROMISES AND UNDERTAKES, IN EXCHANGE FOR CONSIDERATION OF A SET OR ASSESSED AMOUNT OF MONEY, TO MAKE A PAYMENT TO ANOTHER PARTY OR A THIRD PARTY IF A SPECIFIED EVENT OCCURS INVOLVING THE PROVISION OF HEALTH CARE SERVICES.

4. "HEALTH CARE SYSTEM" MEANS ANY PUBLIC OR PRIVATE ENTITY WHOSE FUNCTION OR PURPOSE IS THE MANAGEMENT OF, PROCESSING OF, ENROLLMENT OF INDIVIDUALS IN HEALTH CARE PLANS OR PAYMENT FOR, IN FULL OR IN PART, HEALTH CARE SERVICES OR HEALTH CARE DATA OR HEALTH CARE INFORMATION FOR ITS PARTICIPANTS.

5. "LAWFUL HEALTH CARE SERVICES" MEANS ANY HEALTH-RELATED SERVICE OR TREATMENT TO THE EXTENT THAT THE SERVICE OR TREATMENT IS PERMITTED OR NOT PROHIBITED BY LAW OR REGULATION AND THAT MAY BE PROVIDED BY PERSONS OR BUSINESSES OTHERWISE PERMITTED TO OFFER SUCH SERVICES.

6. "PAY DIRECTLY" MEANS PAYMENT FOR LAWFUL HEALTH CARE SERVICES WITHOUT A PUBLIC OR PRIVATE THIRD PARTY, NOT INCLUDING AN EMPLOYER, PAYING FOR ANY PORTION OF THE SERVICE.

7. "STATE" MEANS A STATE OF THE UNITED STATES.

ARTICLE III  
TERMS

NOTWITHSTANDING ANY STATE OR FEDERAL LAW TO THE CONTRARY:

1. EACH PARTY STATE SHALL GIVE FULL FAITH AND CREDIT TO THE HEALTH CARE FREEDOM CRIMINAL LAWS AND HEALTH CARE FREEDOM LAWS OF EVERY PARTY STATE.

2. A GOVERNMENTAL AGENT SHALL NOT DEPRIVE RESIDENTS OF PARTY STATES OF THE RIGHTS AND FREEDOMS PROTECTED UNDER THEIR RESPECTIVE STATE'S HEALTH CARE FREEDOM CRIMINAL LAWS AND GUARANTEED BY THEIR RESPECTIVE STATE'S HEALTH CARE FREEDOM LAWS.

3. GOVERNMENTAL AGENTS SHALL NOT PENALIZE RESIDENTS OF PARTY STATES FOR EXERCISING THE RIGHTS AND FREEDOMS PROTECTED UNDER THEIR RESPECTIVE STATE'S HEALTH CARE FREEDOM CRIMINAL LAWS AND GUARANTEED BY THEIR RESPECTIVE STATE'S HEALTH CARE FREEDOM LAWS.

1           4. THE PARTY STATES SHALL COOPERATE WITH EACH OTHER AND GIVE EACH  
2 OTHER MUTUAL ASSISTANCE IN THE PREVENTION OF CRIMES UNDER THE HEALTH CARE  
3 FREEDOM CRIMINAL LAWS OF ANY PARTY STATE.

4           5. THE PARTY STATES SHALL COOPERATE WITH EACH OTHER AND GIVE EACH  
5 OTHER MUTUAL ASSISTANCE IN THE CRIMINAL PROSECUTION OF ANY PERSON WHO  
6 VIOLATES THE HEALTH CARE FREEDOM CRIMINAL LAWS OF ANY PARTY STATE.

7                           ARTICLE IV  
8                           ENFORCEMENT

9           NOTWITHSTANDING ANY STATE OR FEDERAL LAW TO THE CONTRARY:

10           1. THE CHIEF LAW ENFORCEMENT OFFICER OF EACH PARTY STATE SHALL ENFORCE  
11 THIS AGREEMENT AND COMPACT.

12           2. A TAXPAYING RESIDENT OF ANY PARTY STATE HAS STANDING IN THE COURTS  
13 OF ANY PARTY STATE TO REQUIRE THE CHIEF LAW ENFORCEMENT OFFICER OF ANY PARTY  
14 STATE TO ENFORCE THIS AGREEMENT AND COMPACT.

15                           ARTICLE V

16                           COMPACT ADMINISTRATOR AND INTERCHANGE OF INFORMATION

17           A. THE GOVERNOR OF EACH PARTY STATE OR THE GOVERNOR'S DESIGNEE IS THE  
18 COMPACT ADMINISTRATOR. THE COMPACT ADMINISTRATOR SHALL:

19           1. MAINTAIN AN ACCURATE LIST OF ALL PARTY STATES.

20           2. CONSISTENT WITH SUBSECTIONS C AND D, TRANSMIT IN A TIMELY FASHION  
21 TO OTHER PARTY STATES CITATIONS OF ALL CURRENT HEALTH CARE FREEDOM LAWS AND  
22 CURRENT HEALTH CARE FREEDOM CRIMINAL LAWS OF THE COMPACT ADMINISTRATOR'S  
23 RESPECTIVE STATE.

24           3. RECEIVE AND MAINTAIN A COMPLETE LIST OF THE HEALTH CARE FREEDOM  
25 LAWS AND HEALTH CARE FREEDOM CRIMINAL LAWS OF EACH PARTY STATE.

26           4. FORMULATE ALL NECESSARY AND PROPER PROCEDURES TO EFFECTUATE THIS  
27 COMPACT.

28           5. DELEGATE NEEDED TASKS TO OTHER STATE AGENCIES.

29           B. THE COMPACT ADMINISTRATOR OF EACH PARTY STATE SHALL FURNISH TO THE  
30 COMPACT ADMINISTRATOR OF EACH PARTY STATE ANY INFORMATION OR DOCUMENTS THAT  
31 ARE REASONABLY NECESSARY TO FACILITATE THE ADMINISTRATION OF THIS COMPACT.

32           C. WITHIN TEN DAYS AFTER EXECUTING THIS AGREEMENT AND COMPACT, AND  
33 THEREAFTER ON THE CLOSE OF EACH OF THEIR RESPECTIVE SUCCEEDING LEGISLATIVE  
34 SESSIONS, THE PARTY STATES SHALL NOTIFY EACH OTHER IN WRITING AND BY  
35 APPROPRIATE CITATION OF EACH OF THEIR CURRENT HEALTH CARE FREEDOM LAWS, WHICH  
36 SHALL BE DEEMED WITHIN THE SUBJECT MATTER OF THIS AGREEMENT AND COMPACT,  
37 UNLESS THE COMPACT ADMINISTRATOR OF ONE OR MORE PARTY STATES GIVES SPECIFIC  
38 NOTICE IN WRITING TO ALL OTHER PARTY STATES WITHIN SIXTY DAYS OF SUCH NOTICE  
39 THAT IT OBJECTS TO THE INCLUSION OF SUCH LAW OR LAWS IN THIS AGREEMENT AND  
40 COMPACT.

41           D. WITHIN TEN DAYS AFTER EXECUTING THIS AGREEMENT AND COMPACT, AND  
42 THEREAFTER ON THE CLOSE OF EACH OF THEIR RESPECTIVE SUCCEEDING LEGISLATIVE  
43 SESSIONS, THE PARTY STATES SHALL NOTIFY EACH OTHER IN WRITING AND BY  
44 APPROPRIATE CITATION OF EACH OF THEIR CURRENT HEALTH CARE FREEDOM CRIMINAL  
45 LAWS, WHICH SHALL BE DEEMED WITHIN THE SUBJECT MATTER OF THIS AGREEMENT AND

1 COMPACT, UNLESS THE COMPACT ADMINISTRATOR OF ONE OR MORE PARTY STATES GIVES  
2 SPECIFIC NOTICE IN WRITING TO ALL OTHER PARTY STATES WITHIN SIXTY DAYS OF  
3 SUCH NOTICE THAT IT OBJECTS TO THE INCLUSION OF SUCH LAW OR LAWS IN THIS  
4 AGREEMENT AND COMPACT.

5 ARTICLE VI

6 ENTRY INTO EFFECT AND WITHDRAWAL

7 A. THIS COMPACT IS DEEMED ACCEPTED WHEN AT LEAST TWO STATES DELIVER A  
8 NOTICE OF CONFIRMATION, WHICH IS DULY EXECUTED BY THEIR RESPECTIVE AUTHORIZED  
9 REPRESENTATIVE AND WHICH ACKNOWLEDGES COMPLETE AGREEMENT TO THE TERMS OF THIS  
10 COMPACT, TO EACH OTHER'S GOVERNOR, THE OFFICE OF THE CLERK OF THE UNITED  
11 STATES HOUSE OF REPRESENTATIVES, THE OFFICE OF THE SECRETARY OF THE UNITED  
12 STATES SENATE, THE PRESIDENT OF THE UNITED STATES SENATE AND THE SPEAKER OF  
13 THE UNITED STATES HOUSE OF REPRESENTATIVES. THEREAFTER, THE COMPACT IS  
14 DEEMED ACCEPTED BY ANY STATE WHEN A RESPECTIVE NOTICE OF CONFIRMATION, WHICH  
15 IS DULY EXECUTED BY THE STATE'S RESPECTIVE AUTHORIZED REPRESENTATIVE AND  
16 WHICH ACKNOWLEDGES COMPLETE AGREEMENT TO THE TERMS OF THIS COMPACT, IS  
17 DELIVERED TO EACH PARTY STATE'S COMPACT ADMINISTRATOR, THE OFFICE OF THE  
18 CLERK OF THE UNITED STATES HOUSE OF REPRESENTATIVES, THE OFFICE OF THE  
19 SECRETARY OF THE UNITED STATES SENATE, THE PRESIDENT OF THE UNITED STATES  
20 SENATE AND THE SPEAKER OF THE UNITED STATES HOUSE OF REPRESENTATIVES.

21 B. FOUR YEARS AFTER THIS COMPACT FIRST BECOMES EFFECTIVE, ANY PARTY  
22 STATE MAY WITHDRAW FROM THIS COMPACT BY ENACTING A JOINT RESOLUTION DECLARING  
23 SUCH WITHDRAWAL AND DELIVERING NOTICE OF THE WITHDRAWAL TO EACH OTHER PARTY  
24 STATE. A WITHDRAWAL DOES NOT AFFECT THE VALIDITY OR APPLICABILITY OF THE  
25 COMPACT TO STATES REMAINING PARTY TO THE COMPACT.

26 ARTICLE VII

27 CONSTRUCTION AND SEVERABILITY

28 A. THIS COMPACT SHALL BE LIBERALLY CONSTRUED SO AS TO EFFECTUATE ITS  
29 PURPOSES.

30 B. THIS COMPACT IS NOT INTENDED TO:

31 1. AFFECT WHICH HEALTH CARE SERVICES A HEALTH CARE PROVIDER OR  
32 HOSPITAL IS REQUIRED TO PERFORM OR PROVIDE UNDER STATE OR FEDERAL LAW.

33 2. AFFECT WHICH HEALTH CARE SERVICES ARE PERMITTED BY STATE OR FEDERAL  
34 LAW.

35 C. THIS COMPACT IS INTENDED TO OPERATE AS THE LAW OF THE NATION WITH  
36 RESPECT TO THE PARTY STATES UNDER 4 UNITED STATES CODE SECTION 112, TO  
37 SUPERSEDE ANY INCONSISTENT STATE AND FEDERAL LAW AND TO ESTABLISH VESTED  
38 RIGHTS IN FAVOR OF RESIDENTS OF THE PARTY STATES IN THE ENJOYMENT OF THE  
39 RIGHTS AND FREEDOMS PROTECTED BY THEIR RESPECTIVE HEALTH CARE FREEDOM  
40 CRIMINAL LAWS AND GUARANTEED BY THEIR RESPECTIVE HEALTH CARE FREEDOM LAWS.

41 D. IF ANY PHRASE, CLAUSE, SENTENCE OR PROVISION OF THIS COMPACT IS  
42 DECLARED IN A FINAL JUDGMENT BY A COURT OF COMPETENT JURISDICTION TO BE  
43 CONTRARY TO THE CONSTITUTION OF THE UNITED STATES OR IS OTHERWISE HELD  
44 INVALID, THE VALIDITY OF THE REMAINDER OF THIS COMPACT SHALL NOT BE AFFECTED.

1           E. IF THE APPLICABILITY OF ANY PHRASE, CLAUSE, SENTENCE OR PROVISION  
2 OF THIS COMPACT TO ANY GOVERNMENT, AGENCY, PERSON OR CIRCUMSTANCE IS DECLARED  
3 IN A FINAL JUDGMENT BY A COURT OF COMPETENT JURISDICTION TO BE CONTRARY TO  
4 THE CONSTITUTION OF THE UNITED STATES OR IS OTHERWISE HELD INVALID, THE  
5 VALIDITY OF THE REMAINDER OF THIS COMPACT AND THE APPLICABILITY OF THE  
6 REMAINDER OF THIS COMPACT TO ANY GOVERNMENT, AGENCY, PERSON OR CIRCUMSTANCE  
7 SHALL NOT BE AFFECTED.

8           F. IF THIS COMPACT IS HELD TO BE CONTRARY TO THE CONSTITUTION OF ANY  
9 PARTY STATE, THE COMPACT SHALL REMAIN IN FULL FORCE AND EFFECT AS TO THE  
10 REMAINING PARTY STATES AND IN FULL FORCE AND EFFECT AS TO THE AFFECTED PARTY  
11 STATE AS TO ALL SEVERABLE MATTERS.