

State of Arizona  
House of Representatives  
Forty-ninth Legislature  
First Regular Session  
2009

## HOUSE CONCURRENT RESOLUTION 2014

### A CONCURRENT RESOLUTION

PROPOSING AN AMENDMENT TO THE CONSTITUTION OF ARIZONA; AMENDING ARTICLE XXVII, BY ADDING SECTION 2, CONSTITUTION OF ARIZONA; RELATING TO HEALTH CARE SERVICES.

(TEXT OF BILL BEGINS ON NEXT PAGE)

Be it resolved by the House of Representatives of the State of Arizona, the Senate concurring:

1. Article XXVII, Constitution of Arizona, is proposed to be amended by adding section 2 as follows if approved by the voters and on proclamation of the Governor:

2. Health care; definitions

SECTION 2. A. TO PRESERVE THE FREEDOM OF ARIZONANS TO PROVIDE FOR THEIR HEALTH CARE:

1. A LAW OR RULE SHALL NOT COMPEL, DIRECTLY OR INDIRECTLY, ANY PERSON, EMPLOYER OR HEALTH CARE PROVIDER TO PARTICIPATE IN ANY HEALTH CARE SYSTEM.

2. A PERSON OR EMPLOYER MAY PAY DIRECTLY FOR LAWFUL HEALTH CARE SERVICES AND SHALL NOT BE REQUIRED TO PAY PENALTIES OR FINES FOR PAYING DIRECTLY FOR LAWFUL HEALTH CARE SERVICES. A HEALTH CARE PROVIDER MAY ACCEPT DIRECT PAYMENT FOR LAWFUL HEALTH CARE SERVICES AND SHALL NOT BE REQUIRED TO PAY PENALTIES OR FINES FOR ACCEPTING DIRECT PAYMENT FROM A PERSON OR EMPLOYER FOR LAWFUL HEALTH CARE SERVICES.

B. SUBJECT TO REASONABLE AND NECESSARY RULES THAT DO NOT SUBSTANTIALLY LIMIT A PERSON'S OPTIONS, THE PURCHASE OR SALE OF HEALTH INSURANCE IN PRIVATE HEALTH CARE SYSTEMS SHALL NOT BE PROHIBITED BY LAW OR RULE.

C. THIS SECTION DOES NOT:

1. AFFECT WHICH HEALTH CARE SERVICES A HEALTH CARE PROVIDER OR HOSPITAL IS REQUIRED TO PERFORM OR PROVIDE.

2. AFFECT WHICH HEALTH CARE SERVICES ARE PERMITTED BY LAW.

3. PROHIBIT CARE PROVIDED PURSUANT TO ARTICLE XVIII, SECTION 8 OF THIS CONSTITUTION OR ANY STATUTES ENACTED BY THE LEGISLATURE RELATING TO WORKER'S COMPENSATION.

4. AFFECT LAWS OR RULES IN EFFECT AS OF JANUARY 1, 2009.

5. AFFECT THE TERMS OR CONDITIONS OF ANY HEALTH CARE SYSTEM TO THE EXTENT THAT THOSE TERMS AND CONDITIONS DO NOT HAVE THE EFFECT OF PUNISHING A PERSON OR EMPLOYER FOR PAYING DIRECTLY FOR LAWFUL HEALTH CARE SERVICES OR A HEALTH CARE PROVIDER OR HOSPITAL FOR ACCEPTING DIRECT PAYMENT FROM A PERSON OR EMPLOYER FOR LAWFUL HEALTH CARE SERVICES.

D. FOR THE PURPOSES OF THIS SECTION:

1. "COMPEL" INCLUDES PENALTIES OR FINES.

2. "DIRECT PAYMENT OR 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.

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

4. "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 THAT MAY BE PROVIDED BY PERSONS OR BUSINESSES OTHERWISE PERMITTED TO OFFER SUCH SERVICES.

5. "PENALTIES OR FINES" MEANS ANY CIVIL OR CRIMINAL PENALTY OR FINE, TAX, SALARY OR WAGE WITHHOLDING OR SURCHARGE OR ANY NAMED FEE WITH A SIMILAR EFFECT

**ESTABLISHED BY LAW OR RULE BY A GOVERNMENT ESTABLISHED,  
CREATED OR CONTROLLED AGENCY THAT IS USED TO PUNISH OR  
DISCOURAGE THE EXERCISE OF RIGHTS PROTECTED UNDER THIS  
SECTION.**

**2. The article heading of article XXVII, Constitution of Arizona, is proposed to be changed as follows if approved by the voters and on proclamation of the Governor:**

**The article heading of article XXVII, Constitution of Arizona, is changed from "REGULATION OF PUBLIC HEALTH, SAFETY AND WELFARE" to "REGULATION OF HEALTH, SAFETY AND WELFARE".**

**3. The Secretary of State shall submit this proposition to the voters at the next general election as provided by article XXI, Constitution of Arizona.**