

103^D CONGRESS
2^D SESSION

S. 2505

To amend title I of the Employee Retirement Income Security Act of 1974 to exempt from preemption under such title certain provisions of the law of the State of Washington relating to health plans.

IN THE SENATE OF THE UNITED STATES

OCTOBER 5 (legislative day, SEPTEMBER 12), 1994

Mrs. MURRAY introduced the following bill; which was read twice and referred to the Committee on Labor and Human Resources

A BILL

To amend title I of the Employee Retirement Income Security Act of 1974 to exempt from preemption under such title certain provisions of the law of the State of Washington relating to health plans.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Washington State
5 Health Services Reform Enabling Act of 1994”.

1 **SEC. 2. EXEMPTION FROM ERISA PREEMPTION OF CERTAIN**
2 **PROVISIONS OF THE LAW OF THE STATE OF**
3 **WASHINGTON RELATING TO HEALTH PLANS.**

4 Section 514(b) of the Employee Retirement Income
5 Security Act of 1974 (29 U.S.C. 1144(b)) is amended by
6 adding at the end the following new paragraph:

7 “(9)(A) Except as provided in subparagraph (B),
8 subsection (a) of this section shall not apply to the follow-
9 ing provisions of the law of the State of Washington—

10 “(i) section 212 of Chapter 492, Laws of 1993
11 (relating to enrollment of certain employees in the
12 Washington basic health plan);

13 “(ii) sections 301 and 304 of Chapter 492,
14 Laws of 1993 (relating to taxation of premiums and
15 hospitals);

16 “(iii) sections 406(7) and 454 of Chapter 492,
17 Laws of 1993 (relating to medical risk adjustment
18 mechanisms);

19 “(iv) section 427 of Chapter 492, Laws of 1993
20 (relating to benefits required to be offered by reg-
21 istered employer health plans);

22 “(v) section 430 of Chapter 492, Laws of 1993
23 (relating to requirements applicable to registered
24 employer health plans); and

25 “(vi) section 464 of Chapter 492, Laws of
26 1993, as amended by section 3 of Chapter 494,

1 Laws of 1993 (relating to requirements that employ-
2 ers offer and pay a portion of the costs of employee
3 health care coverage).”.

4 “(B) Subparagraph (A) shall not apply if any provi-
5 sion cited in such subparagraph, as applied, reduces or
6 restricts benefits or options obtained or to be obtained
7 pursuant to—

8 “(i) collective bargaining between bona fide em-
9 ployee representatives and one or more employers; or

10 “(ii) voluntary, participant-paid arrangements
11 sponsored by bona fide employee representatives or
12 their members.”.

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