

State of Arizona
House of Representatives
Fifty-second Legislature
First Regular Session
2015

HOUSE BILL 2643

AN ACT

AMENDING TITLE 1, CHAPTER 2, ARIZONA REVISED STATUTES, BY ADDING ARTICLE 4;
RELATING TO SOVEREIGN AUTHORITY.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

2 Section 1. Title 1, chapter 2, Arizona Revised Statutes, is amended by
3 adding article 4, to read:

4 ARTICLE 4. SOVEREIGN AUTHORITY

5 1-271. Sovereign authority; affordable care act; definition

6 A. PURSUANT TO THE SOVEREIGN AUTHORITY OF THIS STATE AND ARTICLE II,
7 SECTION 3, CONSTITUTION OF ARIZONA, THIS STATE AND ALL POLITICAL SUBDIVISIONS
8 OF THIS STATE ARE PROHIBITED FROM USING ANY PERSONNEL OR FINANCIAL RESOURCES
9 TO ENFORCE, ADMINISTER OR COOPERATE WITH THE AFFORDABLE CARE ACT BY:

10 1. FUNDING OR IMPLEMENTING A STATE-BASED HEALTH CARE EXCHANGE OR
11 MARKETPLACE.

12 2. LIMITING THE AVAILABILITY OF SELF-FUNDED HEALTH INSURANCE PROGRAMS
13 OR THE REINSURANCE OR OTHER PRODUCTS THAT ARE TRADITIONALLY USED WITH
14 SELF-FUNDED HEALTH INSURANCE PROGRAMS.

15 3. FUNDING OR AIDING IN THE PROSECUTION OF ANY ENTITY FOR A VIOLATION
16 OF THE ACT, EXCEPT AS NECESSARY TO MAINTAIN THE PROGRAM INTEGRITY OF THE
17 ARIZONA HEALTH CARE COST CONTAINMENT SYSTEM.

18 4. FUNDING OR ADMINISTERING ANY PROGRAM OR PROVISION OF THE ACT EXCEPT
19 FOR REGULATORY ACTIVITIES THAT:

20 (a) ARE ASSOCIATED WITH SECTION 20-238 AND TITLE 20, CHAPTER 2,
21 ARTICLE 3.4.

22 (b) ARE ADMINISTERED UNDER SECTIONS 36-2901.08 AND 36-2901.09.

23 (c) INVOLVE THE ARIZONA HEALTH CARE COST CONTAINMENT SYSTEM.

24 (d) ARE ASSOCIATED WITH INITIATIVES, GRANTS OR OTHER FUNDING RELATED
25 TO PUBLIC HEALTH TREATMENT, PREPAREDNESS, EDUCATION OR PREVENTION PROGRAMS
26 AUTHORIZED BY THE AFFORDABLE CARE ACT, PROVIDED THAT THE FUNDING DOES NOT
27 IMPOSE UNRELATED REQUIREMENTS ON THIS STATE OR ITS POLITICAL SUBDIVISIONS
28 THAT ARE OUTSIDE THE SCOPE OF THE SPECIFIC PROGRAM.

29 B. THIS STATE AND ALL POLITICAL SUBDIVISIONS OF THIS STATE MAY USE
30 PERSONNEL OR FINANCIAL RESOURCES TO PROVIDE EMPLOYEE HEALTH INSURANCE
31 BENEFITS.

32 C. FOR THE PURPOSES OF THIS SECTION, "ACT" OR "AFFORDABLE CARE ACT"
33 MEANS THE PATIENT PROTECTION AND AFFORDABLE CARE ACT (P.L. 111-148) AS
34 AMENDED BY THE HEALTH CARE AND EDUCATION RECONCILIATION ACT OF 2010
35 (P.L. 111-152) AND ANY RULES ADOPTED PURSUANT TO THOSE ACTS.