

# HOUSE BILL REPORT

## HB 3010

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**As Reported By House Committee On:**  
Children & Family Services

**Title:** An act relating to family planning for incarcerated women.

**Brief Description:** Requiring family planning services for incarcerated women.

**Sponsors:** Representatives Dickerson, Cooke and Mitchell.

**Brief History:**

**Committee Activity:**

Children & Family Services: 2/3/98, 2/6/98 [DPS].

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### HOUSE COMMITTEE ON CHILDREN & FAMILY SERVICES

**Majority Report:** The substitute bill be substituted therefor and the substitute bill do pass. Signed by 8 members: Representatives Cooke, Chairman; Tokuda, Ranking Minority Member; Kastama, Assistant Ranking Minority Member; Ballasiotes; Dickerson; Gombosky; McDonald and Wolfe.

**Minority Report:** Do not pass. Signed by 3 members: Representatives Boldt, Vice Chairman; Bush, Vice Chairman; and Carrell.

**Staff:** Douglas Ruth (786-7134).

**Background:** Women who conceive drug-affected babies suffer from both the disease of addiction as well as a lack of family planning knowledge. Although the ultimate means to prevent the birth of drug-affected babies is to cure these women's addiction, offering family planning services to these women may also assist in achieving that goal. However, for this outreach to occur, the state must identify and contact these women. Two locations where the state is likely to find women at risk of giving birth to drug-affected infants is in local jails and chemical dependency treatment programs. Women in these two settings are also more likely to accept family planning services.

Incarcerated women are not normally offered access to birth control or family planning services while in jail. Representatives of the attorney general's office have reported that this is due to the cost of these services. City and counties are responsible for the necessary health care of inmates in their jails. As a result, cities and counties place a

low priority on funding family planning services for inmates. The available medical funds are used to care for other inmates' medical problems.

For women participating in a chemical dependency treatment program, the Department of Social and Health Services does not have a statutory duty to provide family planning services as part of their program.

**Summary of Substitute Bill:** Family planning and birth control services are deemed necessary medical care for the purpose of inmate medical care. As necessary medical care, city and county jails are responsible for providing these services to inmates.

The department is directed to include family planning services in their alcoholism and drug addiction treatment programs.

Family planning is defined. The definition excludes pregnancy termination as a form of family planning.

**Substitute Bill Compared to Original Bill:** A definition of family planning is added.

**Appropriation:** None.

**Fiscal Note:** Requested on February 3, 1998.

**Effective Date of Substitute Bill:** Ninety days after adjournment of session in which bill is passed.

**Testimony For:** To reduce the incidence of drug-affected births, the state must take every opportunity to reach women likely to give birth to these infants. When women are incarcerated or participating in a chemical dependency treatment program, the state has such an opportunity to change these women's behavior. The cost of an average birth paid for by Medicaid is \$5,255. The state receives a 50 percent federal match for those costs. The average cost for family planning is \$400 and the federal government pays 90 percent of that cost. However, Medicaid does not cover inmates. Title X federal funding may. It would help the Department of Health implement the bill if a definition of family planning were provided in the bill.

**Testimony Against:** None.

**Testified:** Beth Dannhardt, Washington State Coalition on Substance Abuse, also Solutions Group (pro); Dr. Maxine Hayes, Department of Health (pro); Ken Stark, Department of Social and Health Services (pro).