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SENATE BILL 5462

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State of Washington

57th Legislature

2001 Regular Session

By Senators Costa, Winsley, Brown, Fairley, Fraser, Kohl-Welles, Eide, T. Sheldon, Prentice, Regala, Kline, Spanel, Gardner, Patterson, Thibaudeau, Jacobsen, B. Sheldon and McAuliffe

Read first time 01/23/2001. Referred to Committee on Health & Long-Term Care.

1 AN ACT Relating to contraceptive health services; adding a new  
2 section to chapter 48.43 RCW; adding a new section to chapter 48.41  
3 RCW; adding a new section to chapter 48.36A RCW; adding a new section  
4 to chapter 74.09 RCW; adding a new section to chapter 41.05 RCW; adding  
5 a new section to chapter 70.47 RCW; and declaring an emergency.

6 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

7 NEW SECTION. **Sec. 1.** A new section is added to chapter 48.43 RCW  
8 to read as follows:

9 (1) The definitions in this subsection apply throughout this  
10 section unless the context clearly requires otherwise.

11 (a) "Health carrier" includes: Insuring entities listed in RCW  
12 48.43.005(17); the state health insurance pool operating under chapter  
13 48.41 RCW; fraternal benefit societies under chapter 48.36A RCW; health  
14 plans operating under the health care authority under chapter 41.05  
15 RCW; managed health care systems operating under the basic health plan  
16 under chapter 70.47 RCW; and managed health care systems contracting  
17 with the department of social and health services under chapter 74.09  
18 RCW.

19 (b) "Health plan" has the same meaning as defined in RCW 48.43.005.

1 (c) "Outpatient contraceptive services" means services necessary  
2 for the effective use of contraception, including family planning  
3 consultations, examinations, procedures for inserting, removing, or  
4 dispensing prescription contraceptive methods, and laboratory services  
5 provided on an outpatient basis and related to the use of contraceptive  
6 methods, including natural family planning.

7 (d) "Prescription contraceptive drugs and devices" means all  
8 prescription contraceptive drugs and devices approved by the United  
9 States food and drug administration.

10 (2) Every health carrier offering, issuing, or renewing a health  
11 plan on or after July 1, 2001, that provides coverage for prescription  
12 drugs must provide coverage for all prescription contraceptive drugs  
13 and devices approved by the United States food and drug administration.

14 (3) Every health carrier offering, issuing, or renewing a health  
15 plan on or after July 1, 2001, that provides coverage for outpatient  
16 services must provide coverage for all outpatient contraceptive  
17 services.

18 (4) Health carriers may not impose upon enrollees receiving  
19 prescription contraceptive drugs and devices or outpatient  
20 contraceptive services any:

21 (a) Copayment, coinsurance payment, or fee that is not equally  
22 imposed upon all individuals in the same benefit category, class,  
23 coinsurance level, or copayment level, receiving benefits for  
24 prescription drugs and outpatient services; or

25 (b) Reduction in allowable reimbursement for prescription drug  
26 benefits and outpatient services.

27 (5) This section does not prohibit health carriers from:

28 (a) Using generic equivalent drugs approved by the United States  
29 food and drug administration, whenever medically appropriate. When a  
30 brand name drug is requested by an enrollee and a generic equivalent is  
31 medically appropriate, this section may not be construed to prohibit a  
32 health carrier from requiring the enrollee to pay a deductible,  
33 coinsurance, or copayment consistent with subsection (4) of this  
34 section, in addition to the difference of the cost of the brand name  
35 drug, less the maximum covered amount of the generic equivalent; or

36 (b) Excluding nonprescription drugs and devices, or using closed  
37 formularies. However, the formularies must include all prescription  
38 contraceptive drugs and devices approved by the United States food and  
39 drug administration.

1 (6) Nothing in this section requires coverage for:

2 (a) Prescription contraceptive drugs and devices in any contract,  
3 policy, or health plan that does not otherwise provide coverage for  
4 prescription drugs; or

5 (b) Outpatient contraceptive services in any contract, policy, or  
6 health plan that does not otherwise provide coverage for outpatient  
7 services.

8 NEW SECTION. **Sec. 2.** A new section is added to chapter 48.41 RCW  
9 to read as follows:

10 Health plans offered or issued under this chapter by the state  
11 health insurance pool providing coverage for prescription contraceptive  
12 drugs and devices or outpatient contraceptive services are subject to  
13 the provisions of section 1 of this act.

14 NEW SECTION. **Sec. 3.** A new section is added to chapter 48.36A RCW  
15 to read as follows:

16 Benefit contracts offered or issued under this chapter providing  
17 coverage for prescription contraceptive drugs and devices or outpatient  
18 contraceptive services are subject to the provisions of section 1 of  
19 this act.

20 NEW SECTION. **Sec. 4.** A new section is added to chapter 74.09 RCW  
21 to read as follows:

22 Managed health care systems providing coverage for prescription  
23 contraceptive drugs and devices or outpatient contraceptive services  
24 under this chapter are subject to the provisions of section 1 of this  
25 act.

26 NEW SECTION. **Sec. 5.** A new section is added to chapter 41.05 RCW  
27 to read as follows:

28 Health plans offered or issued under this chapter providing  
29 coverage for prescription contraceptive drugs and devices or outpatient  
30 contraceptive services are subject to the provisions of section 1 of  
31 this act.

32 NEW SECTION. **Sec. 6.** A new section is added to chapter 70.47 RCW  
33 to read as follows:

1 Managed health care systems providing coverage for prescription  
2 contraceptive drugs and devices or outpatient contraceptive services  
3 under this chapter are subject to the provisions of section 1 of this  
4 act.

5 NEW SECTION. **Sec. 7.** If any provision of this act or its  
6 application to any person or circumstance is held invalid, the  
7 remainder of the act or the application of the provision to other  
8 persons or circumstances is not affected.

9 NEW SECTION. **Sec. 8.** This act is necessary for the immediate  
10 preservation of the public peace, health, or safety, or support of the  
11 state government and its existing public institutions, and takes effect  
12 immediately.

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