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ENGROSSED SUBSTITUTE HOUSE BILL 2330

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State of Washington

62nd Legislature

2012 Regular Session

By House Health Care & Wellness (originally sponsored by Representatives Cody, Jinkins, Darneille, Pollet, Wylie, Appleton, Goodman, Pedersen, Roberts, Van De Wege, Carlyle, Maxwell, Fitzgibbon, Hudgins, Reykdal, Santos, McCoy, Clibborn, Kagi, Lytton, Moscoso, Springer, Eddy, Lias, Hunt, Moeller, Tharinger, Billig, Kenney, Ryu, Dickerson, Stanford, and Ormsby)

READ FIRST TIME 01/31/12.

1 AN ACT Relating to preserving health insurance coverage for the  
2 voluntary termination of a pregnancy by requiring health plans issued  
3 on or after June 7, 2012, that provide coverage for maternity care or  
4 services to provide a covered person with substantially equivalent  
5 coverage to permit the voluntary termination of a pregnancy, by  
6 prohibiting a health plan from limiting in any way a woman's access to  
7 services related to the voluntary termination of a pregnancy other than  
8 terms and conditions generally applicable to the health plan's coverage  
9 of maternity care or services including applicable cost sharing, by not  
10 limiting in any way a woman's constitutionally or statutorily protected  
11 right to voluntarily terminate a pregnancy, by clarifying that health  
12 plans are not required to cover abortions that would be unlawful under  
13 RCW 9.02.120, and by providing an exemption for a multistate plan that  
14 does not cover the voluntary termination of pregnancies under federal  
15 law; adding a new section to chapter 48.43 RCW; and creating a new  
16 section.

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

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

1 (1) Except as provided in subsection (5) of this section, if a  
2 health plan issued or renewed on or after the effective date of this  
3 section provides coverage for maternity care or services, the health  
4 plan must also provide a covered person with substantially equivalent  
5 coverage to permit the voluntary termination of a pregnancy.

6 (2)(a) Except as provided in (b) of this subsection, a health plan  
7 subject to subsection (1) of this section may not limit in any way a  
8 woman's access to services related to the voluntary termination of a  
9 pregnancy.

10 (b)(i) Coverage for the voluntary termination of a pregnancy may be  
11 subject to terms and conditions generally applicable to the health  
12 plan's coverage of maternity care or services, including applicable  
13 cost sharing.

14 (ii) A health plan is not required to cover abortions that would be  
15 unlawful under RCW 9.02.120.

16 (3) Nothing in this section may be interpreted to limit in any way  
17 a woman's constitutionally or statutorily protected right to  
18 voluntarily terminate a pregnancy.

19 (4) This section does not, pursuant to 42 U.S.C. Sec. 18054(a)(6),  
20 apply to a multistate plan that does not provide coverage for the  
21 voluntary termination of a pregnancy.

22 (5) This section does not apply to a health plan if the application  
23 of this section to the plan would result in noncompliance with the  
24 consolidated appropriations act, 2012, P.L. 112-74, division F, section  
25 508(d) (December 23, 2011) as readopted or incorporated by reference in  
26 any applicable appropriations act.

27 NEW SECTION. **Sec. 2.** It is the intent of the legislature that  
28 nothing in this act affect the right of objection based on conscience  
29 or religion as set out in RCW 48.43.065 or 70.47.160.

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