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SENATE BILL 6219

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State of Washington

65th Legislature

2018 Regular Session

By Senators Hobbs, Saldaña, Dhingra, Ranker, Carlyle, Takko, Kuderer, Hasegawa, Palumbo, Chase, Nelson, Frockt, Keiser, Wellman, Darneille, Mullet, Billig, Pedersen, Rolfes, Hunt, and Lias

Read first time 01/10/18. Referred to Committee on Health & Long Term Care.

1 AN ACT Relating to improving access to reproductive health;  
2 adding new sections to chapter 48.43 RCW; adding a new section to  
3 chapter 41.05 RCW; and creating new sections.

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

5 NEW SECTION. **Sec. 1.** The legislature finds and declares that:

6 (1) Washington has a long history of protecting gender equity and  
7 women's reproductive health;

8 (2) Access to the full range of health benefits and preventive  
9 services, as guaranteed under the laws of this state, provides all  
10 Washingtonians with the opportunity to lead healthier and more  
11 productive lives;

12 (3) Reproductive health care is the care necessary to support the  
13 reproductive system, the capability to reproduce, and the freedom and  
14 services necessary to decide if, when, and how often to do so, which  
15 can include contraception, cancer and disease screenings, abortion,  
16 preconception, maternity, prenatal, and postpartum care. This care is  
17 an essential part of primary care for women and teens, and often  
18 reproductive health issues are the primary reason they seek routine  
19 medical care;

1 (4) Neither a woman's income level nor her type of insurance  
2 should prevent her from having access to a full range of reproductive  
3 health care, including contraception and abortion services;

4 (5) Restrictions and barriers to health coverage for reproductive  
5 health care have a disproportionate impact on low-income women, women  
6 of color, immigrant women, and young women, and these women are often  
7 already disadvantaged in their access to the resources, information,  
8 and services necessary to prevent an unintended pregnancy or to carry  
9 a healthy pregnancy to term;

10 (6) This state has a history of supporting and expanding timely  
11 access to comprehensive contraceptive access to prevent unintended  
12 pregnancy;

13 (7) Existing state and federal law should be enhanced to ensure  
14 greater contraceptive coverage and timely access for all individuals  
15 covered by health plans in Washington to all methods of contraception  
16 approved by the federal food and drug administration;

17 (8) Nearly half of pregnancies in both the United States and  
18 Washington are unintended. Unintended pregnancy is associated with  
19 negative outcomes, such as delayed prenatal care, maternal  
20 depression, increased risk of physical violence during pregnancy, low  
21 birth weight, decreased mental and physical health during childhood,  
22 and lower education attainment for the child;

23 (9) Access to contraception has been directly connected to the  
24 economic success of women and the ability of women to participate in  
25 society equally;

26 (10) Cost-sharing requirements and other barriers can  
27 dramatically reduce the use of preventive health care measures,  
28 particularly for women in lower income households, and eliminating  
29 cost sharing and other barriers for contraceptives leads to sizable  
30 increases in the use of preventive health care measures;

31 (11) It is vital that the full range of contraceptives are  
32 available to women because contraindications may restrict the use of  
33 certain types of contraceptives and because women need access to the  
34 contraceptive method most effective for their health;

35 (12) Medical management techniques such as denials, step therapy,  
36 or prior authorization in public and private health care coverage can  
37 impede access to the most effective contraceptive methods;

38 (13) Many insurance companies do not typically cover male methods  
39 of contraception, or they require high cost sharing despite the  
40 critical role men play in the prevention of unintended pregnancy; and

1 (14) Restrictions on abortion coverage interfere with a woman's  
2 personal, private pregnancy decision making, with his or her health  
3 and well-being, and with his or her constitutionally protected right  
4 to safe and legal medical abortion care.

5 NEW SECTION. **Sec. 2.** A new section is added to chapter 48.43  
6 RCW to read as follows:

7 (1) A health plan issued or renewed on or after January 1, 2019,  
8 shall provide coverage for:

9 (a) All contraceptive drugs, devices, and other products,  
10 approved by the federal food and drug administration, including  
11 over-the-counter contraceptive drugs, devices, and products, approved  
12 by the federal food and drug administration;

13 (b) Voluntary sterilization procedures;

14 (c) The consultations, examinations, procedures, and medical  
15 services that are necessary to prescribe, dispense, insert, deliver,  
16 distribute, administer, or remove the drugs, devices, and other  
17 products or services in (a) and (b) of this subsection.

18 (2) The coverage required by subsection (1) of this section:

19 (a) May not require copayments, deductibles, or other forms of  
20 cost sharing; and

21 (b) May not require a prescription to trigger coverage of  
22 over-the-counter contraceptive drugs, devices, and products, approved  
23 by the federal food and drug administration.

24 (3) A health carrier may not deny the coverage required in  
25 subsection (1) of this section because an enrollee changed his or her  
26 contraceptive method within a twelve-month period.

27 (4) Except as otherwise authorized under this section, a health  
28 benefit plan may not impose any restrictions or delays on the  
29 coverage required under this section, such as medical management  
30 techniques that limit enrollee choice in accessing the full range of  
31 contraceptive drugs, devices, or other products, approved by the  
32 federal food and drug administration.

33 (5) Benefits provided under this section must be extended to all  
34 enrollees, enrolled spouses, and enrolled dependents.

35 (6) This section may not be construed to allow for denial of care  
36 on the basis of race, color, national origin, sex, sexual  
37 orientation, gender expression or identity, marital status, age,  
38 citizenship, immigration status, or disability.

1        NEW SECTION.    **Sec. 3.**    A new section is added to chapter 48.43  
2    RCW to read as follows:

3        (1) Except as provided in subsection (5) of this section, if a  
4    health plan issued or renewed on or after January 1, 2019, provides  
5    coverage for maternity care or services, the health plan must also  
6    provide a covered person with substantially equivalent coverage to  
7    permit the abortion of a pregnancy.

8        (2)(a) Except as provided in (b) of this subsection, a health  
9    plan subject to subsection (1) of this section may not limit in any  
10    way a person's access to services related to the abortion of a  
11    pregnancy.

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

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

18        (3) Nothing in this section may be interpreted to limit in any  
19    way an individual's constitutionally or statutorily protected right  
20    to voluntarily terminate a pregnancy.

21        (4) This section does not, pursuant to 42 U.S.C. Sec.  
22    18054(a)(6), apply to a multistate plan that does not provide  
23    coverage for the abortion of a pregnancy.

24        (5) If the application of this section to a health plan results  
25    in noncompliance with federal requirements that are a prescribed  
26    condition to the allocation of federal funds to the state, this  
27    section is inapplicable to the plan to the minimum extent necessary  
28    for the state to be in compliance. The inapplicability of this  
29    section to a specific health plan under this subsection does not  
30    affect the operation of this section in other circumstances.

31        NEW SECTION.    **Sec. 4.**    A new section is added to chapter 41.05  
32    RCW to read as follows:

33        The authority shall administer a program to reimburse the cost of  
34    services, drugs, devices, products, and procedures described in  
35    sections 2 and 3 of this act for individuals who can become pregnant  
36    and who would be eligible for medical assistance if not for 8 U.S.C.  
37    Sec. 1611 or 1612.

1        NEW SECTION.    **Sec. 5.**    The governor's interagency coordinating  
2 council on health disparities shall conduct a literature review on  
3 disparities in access to reproductive health care based on  
4 socioeconomic status, race, sexual orientation, gender identity,  
5 ethnicity, geography, and other factors. By January 1, 2019, the  
6 council shall report the results of the literature review and make  
7 recommendations on reducing or removing disparities in access to  
8 reproductive health care to the governor and the relevant standing  
9 committees of the legislature.

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