

HOUSE BILL REPORT

HB 1009

As Passed Legislature

Title: An act relating to student health plans.

Brief Description: Concerning student health plans.

Sponsors: Representatives Thai, Slatter, Wicks, Ortiz-Self, Kloba, Lekanoff, Bateman, Johnson, J., Ryu, Senn, Gregerson, Valdez, Cody, Riccelli, Frame, Santos, Macri and Pollet.

Brief History:

Committee Activity:

Health Care & Wellness: 1/13/21, 1/14/21 [DP].

Floor Activity:

Passed House: 2/23/21, 57-40.

Passed Senate: 4/6/21, 29-19.

Passed Legislature.

Brief Summary of Bill

- Requires certain student health plans to provide coverage for the voluntary abortion of a pregnancy.

HOUSE COMMITTEE ON HEALTH CARE & WELLNESS

Majority Report: Do pass. Signed by 9 members: Representatives Cody, Chair; Bateman, Vice Chair; Bronoske, Davis, Macri, Riccelli, Simmons, Stonier and Tharinger.

Minority Report: Do not pass. Signed by 6 members: Representatives Schmick, Ranking Minority Member; Caldier, Assistant Ranking Minority Member; Harris, Maycumber, Rude and Ybarra.

Staff: Jim Morishima (786-7191).

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not part of the legislation nor does it constitute a statement of legislative intent.

Background:

I. Insurance Coverage for Abortions.

A health plan that provides coverage for maternity care or services must also provide substantially equivalent coverage to permit the voluntary abortion of a pregnancy. The plan may not limit a woman's access to services related to the voluntary abortion of a pregnancy, except for generally applicable terms and conditions, including cost-sharing. A health plan is not required to cover abortions that would be illegal under state law.

II. Student Health Plans.

Certain student health plans are exempt from most requirements applicable to other health plans, including requirements relating to abortion coverage. In order to be exempt, a student health plan must be guaranteed renewable while the covered person is a student at an institution of higher education and must be approved by the Office of the Insurance Commissioner (OIC).

III. Objections Based on Conscience or Religion Under State Law.

No individual health care provider, religiously sponsored health carrier, or health care facility may be required by law or contract in any circumstances to participate in the provision of or payment for a specific service if they object to so doing for reasons of conscience or religion. No person may be discriminated against in employment or professional privileges because of such objection. No individual or organization with a religious or moral tenet opposed to a specific service may be required to purchase coverage for that service or services if they object to doing so for reasons of conscience or religion. The provisions allowing the exercise of conscientious objection are not intended to result in an enrollee being denied timely access to any services in the state's Basic Health Plan. A health carrier must:

- provide enrollees written notice of the services the carrier refuses to cover for reasons of conscience or religion;
- provide written information describing how an enrollee may directly access services in an expeditious manner; and
- ensure that enrollees who are refused services have prompt access to information describing how they may directly access services in an expeditious manner.

The OIC must establish a mechanism to recognize the right of conscience while ensuring enrollees timely access to services and to ensure prompt payment to providers. Under rules adopted by the OIC, all carriers are required to file a description of the process they will use to recognize an organization or individual's exercise of conscience when purchasing coverage; the process may not affect a nonobjecting enrollee's access to coverage for those services. A religiously sponsored carrier that elects not to cover certain benefits because of religious beliefs must file a description of the process by which its enrollees will have

timely access to all Basic Health Plan services.

In 2006 the Attorney General issued an opinion regarding the OIC rule that requires carriers that cover prescription drugs to also cover contraceptives. According to the Attorney General's opinion, the rule did not supersede the statutory right of conscience; it only limited one of the ways in which the right could be exercised. This is because the rule did not require prescription drug coverage and did not apply directly to employers.

Summary of Bill:

A student health plan issued or renewed on or after January 1, 2022, is subject to the abortion requirements applicable to other health plans. The student health plans to which this requirement applies include student health plans deemed by the Insurance Commissioner to have a short-term limited purpose or duration or to be guaranteed renewable while the covered person is enrolled as a regular full-time undergraduate or graduate student at an accredited higher education institution.

Appropriation: None.

Fiscal Note: Available.

Effective Date: The bill takes effect 90 days after adjournment of the session in which the bill is passed.

Staff Summary of Public Testimony:

(In support) Last year this bill was requested by the Insurance Commissioner. Student health plans are currently exempt from the Reproductive Parity Act. Parents sending their kids away to school should not have to worry about their health coverage. Student health plans should include the same coverage required for all other health plans. All forms of reproductive health should be covered. Lack of coverage can be burdensome on students, who may not have the resources to access reproductive health care. Lack of coverage can cause delays in care, which can lead to life-threatening health outcomes. Adequate coverage can be the difference between receiving care and not. No one should have to make this choice because of a loophole. Omissions in care are causing students to suffer. School is hard enough as it is, so students should know that their health insurance covers what they need. Students should be given the opportunity to succeed to their fullest potential.

(Opposed) Unlike other medical procedures, abortions often cause emotional trauma and are linked to depression and suicide. Schools must promote good mental health to help students learn at the best of their ability. Abortions permanently change women's bodies and can elevate cancer risk. Pregnancies and abortions affect both men and women. The pressure on women to have abortions is enormous. Chemical abortions can also cause

complications, which may go untreated because people are reluctant to talk about symptoms. This bill sends a defeatist and misogynistic message that women are unable to handle both work and a child. Title IX protects women from discrimination. College staff should be educated on this issue and college campuses should adopt policies that protect women from discrimination, such as special parking spaces and nursing rooms. Funding must be provided to help women choose adoption, utilize pregnancy centers, and access post-birth services. Giving real help to women will provide them with meaningful choices. There are resources provided by the religious community to help women care for unwanted pregnancies.

The sanctity and dignity of human life from conception to death is the number one principle of the Catholic faith. This bill forces students to pay for services that violate their religious conscience. Requiring people to pay for something they do not believe in is unconstitutional. This is a fundamental right. Maintaining the state's commitment to religious freedom is critical. The state should not force religious colleges and universities to provide this coverage.

Persons Testifying: (In support) Representative Thai, prime sponsor; Reanne Cunningham, Washington State University; Hannah Seiben, Graduate and Professional Student Senate, University of Washington; and Sam Locke, Associated Students of the University of Washington - Bothell.

(Opposed) Karlie Lodjic, Students for Life; Miles Wiley, Students for Life - Centralia College; Sarah Davenport-Smith, Family Policy Institute of Washington; and Adrienne Joyce, Washington State Catholic Conference.

Persons Signed In To Testify But Not Testifying: None.