
SENATE BILL 5512

State of Washington

56th Legislature

1999 Regular Session

By Senators Costa, Winsley, Kline, Patterson, Gardner, Prentice, Long, Goings, Snyder, Fraser, Brown, Kohl-Welles, Jacobsen, Spanel, Fairley, Haugen, Wojahn, Thibaudeau, Loveland, Bauer, Eide, B. Sheldon, McAuliffe, T. Sheldon, Heavey and Shin

Read first time 01/26/1999. Referred to Committee on Health & Long-Term Care.

1 AN ACT Relating to contraceptive health care benefits; adding a new
2 section to chapter 48.43 RCW; and creating a new section.

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

4 NEW SECTION. **Sec. 1.** The legislature finds that: (1) Over half
5 of all pregnancies are unintended; (2) by reducing rates of unintended
6 pregnancy, contraceptives help reduce the need for abortion; (3)
7 unintended pregnancies lead to higher rates of infant mortality, low
8 birth weight, and maternal morbidity, and threaten the economic
9 viability of families; (4) contraceptive services are part of basic
10 health care, allowing families to both adequately space desired
11 pregnancies and avoid unintended pregnancy; (5) many health carriers
12 cover prescription drugs and devices but exclude prescription
13 contraceptives and contraceptive devices; (6) women of child-bearing
14 age spend significantly more than men on out-of-pocket health care
15 costs, with contraceptives and reproductive health care services
16 accounting for most of this disparity; (7) lack of contraceptive
17 coverage in health plans places many effective forms of contraceptives
18 beyond the financial reach of many women, leading to unintended
19 pregnancies; and (8) the ability to plan her childbearing is central to

1 a woman's ability to participate on an equal basis in education and
2 employment.

3 The legislature intends to reduce the number of unintended
4 pregnancies and ensure access to contraceptive services in health plans
5 that cover prescription drugs and outpatient health services. The
6 legislature also intends to further the goal of eliminating sex
7 discrimination in health benefits for women.

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

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

12 (a) "Prescription contraceptive drugs and devices" includes
13 prescription contraceptive drugs and devices approved by the federal
14 food and drug administration, including oral contraceptives,
15 intrauterine devices (IUDs), injectables, hormonal implants,
16 diaphragms, cervical caps, and emergency contraception.

17 (b) "Outpatient contraceptive services" means services necessary
18 for the effective use of contraception, including family planning
19 counseling, exams for inserting, removing, or dispensing prescription
20 contraceptive methods, and laboratory services.

21 (2) A health plan issued to individuals or groups shall not exclude
22 or restrict an enrollee's access to:

23 (a) Prescription contraceptive drugs and devices approved by the
24 federal food and drug administration if the plan provides benefits for
25 prescription drugs; or

26 (b) Outpatient contraceptive services, if the plan provides
27 benefits for outpatient health services.

28 (3) Except as provided in subsection (4) of this section, a health
29 carrier shall not create or impose disincentives for utilization of the
30 benefits required by subsection (2) of this section.

31 (4) Nothing in this section shall be construed as:

32 (a) Preventing a health carrier from imposing deductibles,
33 coinsurance, other cost-sharing requirements, or other limitations in
34 relation to providing prescription contraceptive drugs and devices, or
35 outpatient contraceptive services, provided that the deductible,
36 coinsurance, other cost-sharing requirement, or other limitation is not
37 greater than or different from the deductible, coinsurance, other cost-

1 sharing requirement, or other limitation for other prescription drugs,
2 devices, or outpatient health care services covered under the plan; or

3 (b) Requiring a health plan to cover experimental or investigative
4 prescription contraceptive drugs and devices, or outpatient
5 contraceptive services, except to the extent that the plan provides
6 coverage for other experimental or investigative prescription drugs,
7 devices, or outpatient health care services.

8 (5) This section applies to health plans issued or renewed on or
9 after the effective date of this section.

10 NEW SECTION. **Sec. 3.** If any provision of this act or its
11 application to any person or circumstance is held invalid, the
12 remainder of the act or the application of the provision to other
13 persons or circumstances is not affected.

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