
SUBSTITUTE SENATE BILL 5462

State of Washington

57th Legislature

2001 Regular Session

By Senate Committee on Health & Long-Term Care (originally sponsored 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 03/05/01.

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 or
31 therapeutic equivalent is medically appropriate, this section may not
32 be construed to prohibit a health carrier from requiring the enrollee
33 to pay a deductible, coinsurance, or copayment consistent with
34 subsection (4) of this section, in addition to the difference of the
35 cost of the brand name drug, less the maximum covered amount of the
36 generic or therapeutic equivalent; or

37 (b) Excluding nonprescription drugs and devices.

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

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

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

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

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

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

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

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

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

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

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

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

33 Managed health care systems providing coverage for prescription
34 contraceptive drugs and devices or outpatient contraceptive services

1 under this chapter are subject to the provisions of section 1 of this
2 act.

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

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

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