
SENATE BILL 5009

State of Washington

63rd Legislature

2013 Regular Session

By Senators Hobbs, Litzow, Keiser, Ranker, Conway, Fraser, Darneille, Nelson, Rolfes, Kline, Hasegawa, Harper, Kohl-Welles, Billig, Mullet, McAuliffe, Chase, Hatfield, Eide, Cleveland, Murray, and Frockt

Read first time 01/14/13. Referred to Committee on Health Care .

1 AN ACT Relating to preserving health insurance coverage for the
2 voluntary termination of a pregnancy by requiring health plans issued
3 or renewed on or after January 1, 2014, that provide coverage for
4 maternity care or services to provide a covered person with
5 substantially equivalent coverage to permit the voluntary termination
6 of a pregnancy, by prohibiting a health plan from limiting in any way
7 a woman's access to services related to the voluntary termination of a
8 pregnancy other than terms and conditions generally applicable to the
9 health plan's coverage of maternity care or services including
10 applicable cost sharing, by not limiting in any way a woman's
11 constitutionally or statutorily protected right to voluntarily
12 terminate a pregnancy, by clarifying that health plans are not required
13 to cover abortions that would be unlawful under RCW 9.02.120, by
14 providing an exemption for a multistate plan that does not cover the
15 voluntary termination of pregnancies under federal law, by making the
16 provisions of this act inapplicable to the minimum extent necessary to
17 avoid noncompliance with federal requirements that are a prescribed
18 condition to the allocation of federal funds to the state, and by
19 clarifying that nothing in this act affects the statutory right of
20 objection based on conscience or religion as set forth in RCW 48.43.065
21 or 70.47.160; and adding a new section to chapter 48.43 RCW.

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

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

4 (1) Except as provided in subsection (5) of this section, if a
5 health plan issued or renewed on or after January 1, 2014, provides
6 coverage for maternity care or services, the health plan must also
7 provide a covered person with substantially equivalent coverage to
8 permit the voluntary termination of a pregnancy.

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

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

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

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

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

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

32 (6) Nothing in this section affects the right of objection based on
33 conscience or religion as set out in RCW 48.43.065 or 70.47.160.

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