

HOUSE BILL REPORT

HB 2252

As Passed House:
February 16, 2020

Title: An act relating to student health plans.

Brief Description: Concerning student health plans.

Sponsors: Representatives Thai, Callan, Macri, Doglio, Cody, Lekanoff and Pollet.

Brief History:

Committee Activity:

Health Care & Wellness: 1/14/20, 1/24/20 [DP].

Floor Activity:

Passed House: 2/16/20, 56-40.

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; Macri, Vice Chair; Chopp, Davis, Riccelli, Robinson, Stonier, Thai and Tharinger.

Minority Report: Do not pass. Signed by 4 members: Representatives Schmick, Ranking Minority Member; Caldier, Assistant Ranking Minority Member; DeBolt and Maycumber.

Minority Report: Without recommendation. Signed by 2 members: Representatives Chambers and Harris.

Staff: Jim Morishima (786-7191).

Background:

I. Insurance Coverage for Abortions.

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

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 reason 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 non-objecting 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 that is guaranteed renewable while the covered person is a student at an institution of higher education is subject to the abortion requirements applicable to other health plans. This requirement applies to student health plans issued or renewed on or after January 1, 2021.

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) This bill is aimed at reducing health disparities. It has always been the state's intent to provide equitable access across the board. College students should have the same health care rights as anyone else. Making sure college students have health coverage is one of the top concerns of parents.

(Opposed) This bill affects both the born and the unborn. Abortion is a tragedy, not a common good or something in which we should be encouraging or forcing people to participate. This bill ignores the impact on religious schools and may result in health plans excluding maternity care. This bill will force people to use their income to pay for abortions and abortifacients. The majority of the public opposes the use of tax dollars to fund abortions. People oppose abortions because of religious conscience, which is protected in the Constitution. This bill imposes a mandate that forces people to go against their deepest held beliefs. People should be allowed to live free.

Persons Testifying: (In support) Representative Thai, prime sponsor; Steve Breaux, Planned Parenthood Votes; and Sheridan Ingalls, Washington Student Association.

(Opposed) Rebecca Faust; and Sarah Davenport-Smith, Human Life of Washington and Family Policy Institute of Washington.

Persons Signed In To Testify But Not Testifying: None.