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**SENATE BILL 5242**

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**State of Washington**

**68th Legislature**

**2023 Regular Session**

**By** Senators Cleveland, Robinson, Dhingra, Frame, Hasegawa, Hunt, Keiser, Lovelett, Nobles, Pedersen, Randall, Saldaña, Salomon, Stanford, Valdez, Wellman, and C. Wilson

Read first time 01/10/23. Referred to Committee on Health & Long Term Care.

1 AN ACT Relating to prohibiting cost sharing for abortion;  
2 amending RCW 48.43.073; and adding a new section to chapter 41.05  
3 RCW.

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

5 **Sec. 1.** RCW 48.43.073 and 2021 c 53 s 1 are each amended to read  
6 as follows:

7 (1) (a) Except as provided in subsection (5) of this section, if a  
8 health plan issued or renewed on or after January 1, 2019, provides  
9 coverage for maternity care or services, the health plan must also  
10 provide a covered person with substantially equivalent coverage to  
11 permit the abortion of a pregnancy. Except as provided in subsection  
12 (5) of this section, if a student health plan, including student  
13 health plans deemed by the insurance commissioner to have a short-  
14 term limited purpose or duration or to be guaranteed renewable while  
15 the covered person is enrolled as a regular full-time undergraduate  
16 or graduate student at an accredited higher education institution,  
17 issued or renewed on or after January 1, 2022, provides coverage for  
18 maternity care or services, the health plan must also provide a  
19 covered person with substantially equivalent coverage to permit the  
20 abortion of a pregnancy.

1 (b) Except as provided in (c) of this subsection, for health  
2 plans issued or renewed on or after January 1, 2024, a health carrier  
3 may not impose cost sharing for abortion of a pregnancy.

4 (c) For a health plan that provides coverage for abortion of a  
5 pregnancy and is offered as a qualifying health plan for a health  
6 savings account, the health carrier shall establish the plan's cost  
7 sharing for the coverage required by this section at the minimum  
8 level necessary to preserve the enrollee's ability to claim tax  
9 exempt contributions and withdrawals from the enrollee's health  
10 savings account under internal revenue service laws and regulations.

11 (2)(a) Except as provided in (b) of this subsection, a health  
12 plan or student health plan subject to subsection (1) of this section  
13 may not limit in any way a person's access to services related to the  
14 abortion of a pregnancy.

15 (b)(i) Coverage for the abortion of a pregnancy may be subject to  
16 terms and conditions generally applicable to the health plan or  
17 student health plan's coverage of maternity care or services(~~(7~~  
18 ~~including applicable cost sharing)~~).

19 (ii) A health plan or student health plan is not required to  
20 cover abortions that would be unlawful under RCW 9.02.120.

21 (3) Nothing in this section may be interpreted to limit in any  
22 way an individual's constitutionally or statutorily protected right  
23 to voluntarily terminate a pregnancy.

24 (4) This section does not, pursuant to 42 U.S.C. Sec.  
25 18054(a)(6), apply to a multistate plan that does not provide  
26 coverage for the abortion of a pregnancy.

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

35 NEW SECTION. Sec. 2. A new section is added to chapter 41.05  
36 RCW to read as follows:

37 (1) Except as provided in subsection (2) of this section, a  
38 health plan offered to public employees and their covered dependents  
39 under this chapter issued or renewed on or after January 1, 2024,

1 that provides coverage for abortion may not impose cost sharing for  
2 the abortion of a pregnancy.

3 (2) For a health plan that provides coverage for abortion of a  
4 pregnancy and is offered as a qualifying health plan for a health  
5 savings account, the health plan shall establish the plan's cost  
6 sharing for the coverage required by this section at the minimum  
7 level necessary to preserve the enrollee's ability to claim tax  
8 exempt contributions and withdrawals from the enrollee's health  
9 savings account under internal revenue service laws and regulations.

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