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HOUSE BILL 1009

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State of Washington

67th Legislature

2021 Regular Session

By Representatives Thai and Slatter

Prefiled 12/08/20.

1 AN ACT Relating to student health plans; and amending RCW  
2 48.43.073.

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

4 **Sec. 1.** RCW 48.43.073 and 2018 c 119 s 3 are each amended to  
5 read as follows:

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

20 (2)(a) Except as provided in (b) of this subsection, a health  
21 plan or student health plan subject to subsection (1) of this section

1 may not limit in any way a person's access to services related to the  
2 abortion of a pregnancy.

3 (b) (i) Coverage for the abortion of a pregnancy may be subject to  
4 terms and conditions generally applicable to the health plan or  
5 student health plan's coverage of maternity care or services,  
6 including applicable cost sharing.

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

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

12 (4) This section does not, pursuant to 42 U.S.C. Sec.  
13 18054(a)(6), apply to a multistate plan that does not provide  
14 coverage for the abortion of a pregnancy.

15 (5) If the application of this section to a health plan or  
16 student health plan results in noncompliance with federal  
17 requirements that are a prescribed condition to the allocation of  
18 federal funds to the state, this section is inapplicable to the plan  
19 to the minimum extent necessary for the state to be in  
20 compliance. The inapplicability of this section to a specific health  
21 plan or student health plan under this subsection does not affect the  
22 operation of this section in other circumstances.

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