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**SENATE BILL 5798**

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**State of Washington**

**63rd Legislature**

**2013 Regular Session**

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

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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