
BILL REQUEST - CODE REVISER'S OFFICE

BILL REQ. #: S-4017.1/18

ATTY/TYPIST: AF:akl

BRIEF DESCRIPTION: Enacting the reproductive health access for all
act.

1 AN ACT Relating to enacting the reproductive health access for
2 all act; amending RCW 49.60.178; adding a new section to chapter
3 41.05 RCW; and creating a new section.

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

5 NEW SECTION. **Sec. 1.** A new section is added to chapter 41.05
6 RCW to read as follows:

7 (1) The authority shall administer a program to reimburse the
8 cost of medically appropriate services, drugs, devices, products, and
9 procedures for individuals who can become pregnant and who would be
10 eligible for medical assistance if not for 8 U.S.C. Sec. 1611 or
11 1612.

12 (2) The authority shall collect data and analyze the cost-
13 effectiveness of the services, drugs, devices, products, and
14 procedures paid for under this section.

15 (3) The authority shall explore any and all opportunities to
16 obtain federal financial participation in the costs of implementing
17 this section including, but not limited to, waivers or demonstration
18 projects under Title X of the public health service act or Title XIX
19 or XXI of the social security act. However, the implementation of
20 this section is not contingent upon the authority's receipt of a
21 waiver or authorization to operate a demonstration project.

1 (4) For purposes of this section, "medically appropriate
2 services, drugs, devices, products, and procedures" include:

3 (a) Well-woman care, including screenings, assessments, and
4 counseling;

5 (b) Counseling for sexually transmitted infections, including but
6 not limited to human immunodeficiency virus and acquired
7 immunodeficiency syndrome;

8 (c) Screening for:

9 (i) Chlamydia;

10 (ii) Gonorrhea;

11 (iii) Hepatitis B;

12 (iv) Hepatitis C;

13 (v) Human immunodeficiency virus and acquired immunodeficiency
14 syndrome;

15 (vi) Human papillomavirus;

16 (vii) Syphilis;

17 (viii) Anemia;

18 (ix) Urinary tract infection;

19 (x) Pregnancy;

20 (xi) Rh incompatibility;

21 (xii) Gestational diabetes;

22 (xiii) Osteoporosis;

23 (xiv) Breast cancer;

24 (xv) Cervical cancer; and

25 (xvi) Gender dysphoria;

26 (d) Screening to determine whether counseling related to the
27 BRCA1 or BRCA2 genetic mutations is indicated and counseling related
28 to the BRCA1 or BRCA2 genetic mutations if indicated;

29 (e) Screening and appropriate counseling or interventions for:

30 (i) Tobacco use; and

31 (ii) Domestic and interpersonal violence;

32 (f) Folic acid supplements;

33 (g) Abortion;

34 (h) Gender dysphoria;

35 (i) Breastfeeding comprehensive support, counseling, and
36 supplies;

37 (j) Breast cancer chemoprevention counseling;

38 (k) Any contraceptive drug, device, or product, or hormone,
39 approved by the United States food and drug administration, subject
40 to all of the following:

1 (i) If there is a therapeutic equivalent of a contraceptive drug,
2 device, or product, or hormone, approved by the United States food
3 and drug administration, the authority may provide coverage for
4 either the requested contraceptive drug, device, or product, or
5 hormone, or for one or more therapeutic equivalents of the requested
6 drug, device, or product, or hormone.

7 (ii) If a contraceptive drug, device, or product, or hormone,
8 covered by the authority is deemed medically inadvisable by the
9 individual's provider, the authority must cover an alternative
10 contraceptive drug, device, or product, or hormone, prescribed by the
11 provider.

12 (iii) The authority must provide coverage without a prescription
13 for all contraceptive drugs available for over-the-counter sale that
14 are approved by the United States food and drug administration.

15 (iv) The authority may not infringe upon an individual's choice
16 of contraception and may not require prior authorization, step
17 therapy, or other utilization control techniques for covered
18 contraceptive drugs, devices, or other products, or hormones,
19 approved by the United States food and drug administration;

20 (l) Voluntary sterilization;

21 (m) Patient education and counseling on contraception and
22 sterilization;

23 (n) Services related to sterilization or the administration and
24 monitoring of contraceptive drugs, devices, and products, and
25 hormones, including but not limited to:

26 (i) Management of side effects;

27 (ii) Counseling for continued adherence to a prescribed regimen;

28 (iii) Device insertion and removal; and

29 (iv) Provision of alternative contraceptive drugs, devices, or
30 products, or hormones, deemed medically appropriate in the judgment
31 of an individual's provider; and

32 (o) Any additional preventive services for women or transgender
33 individuals that must be covered without cost sharing as identified
34 by the United States preventive services task force or the health
35 resources and services administration of the United States department
36 of health and human services.

37 **Sec. 2.** RCW 49.60.178 and 2006 c 4 s 9 are each amended to read
38 as follows:

1 It is an unfair practice for any person whether acting for
2 himself, herself, or another in connection with an insurance
3 transaction or transaction with a health maintenance organization to
4 cancel or fail or refuse to issue or renew insurance or a health
5 maintenance agreement to any person, or to discriminate in the
6 coverage or payment for any service, drug, device, product, or
7 procedure described in section 1 of this act for any person, because
8 of sex, marital status, sexual orientation, race, creed, color,
9 national origin, or the presence of any sensory, mental, or physical
10 disability or the use of a trained dog guide or service animal by a
11 disabled person: PROVIDED, That a practice which is not unlawful
12 under RCW 48.30.300, 48.44.220, or 48.46.370 does not constitute an
13 unfair practice for the purposes of this section. For the purposes of
14 this section, "insurance transaction" is defined in RCW 48.01.060,
15 health maintenance agreement is defined in RCW 48.46.020, and "health
16 maintenance organization" is defined in RCW 48.46.020.

17 The fact that such unfair practice may also be a violation of
18 chapter 48.30, 48.44, or 48.46 RCW does not constitute a defense to
19 an action brought under this section.

20 The insurance commissioner, under RCW 48.30.300, and the human
21 rights commission, under chapter 49.60 RCW, shall have concurrent
22 jurisdiction under this section and shall enter into a working
23 agreement as to procedure to be followed in complaints under this
24 section.

25 NEW SECTION. **Sec. 3.** This act may be known and cited as the
26 reproductive health access for all act.

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