

A RESOLUTION

22-76

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

April 4, 2017

To declare the existence of an emergency with respect to the need to amend the Women’s Health and Cancer Rights Federal Law Conformity Act of 2000 to require insurers to cover preventive services for women without cost-sharing.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “Defending Access to Women’s Health Care Services Emergency Declaration Resolution of 2017”.

Sec. 2. (a) On March 23, 2010, the Patient Protection and Affordable Care Act, approved March 23, 2010 (124 Stat. 141; 42 U.S.C. § 18001 *et seq.*) (“ACA”) was signed into law by President Barack Obama. The ACA and its implementing regulations, guidelines, and recommendations prohibit cost-sharing for a variety of women’s preventive health care services, including breast and cervical cancer screening; breastfeeding services and supplies; screening for gestational diabetes; screening and counseling for sexually transmitted infections and HIV; the full-range of FDA-approved contraceptives; well-woman visits; and screening and counseling for interpersonal and domestic violence.

(b) Since the ACA’s passage, 9.5 million previously uninsured women have health care coverage, and 55 million women now have access to preventive health care.

(c) The rates of teen births, abortions, and unintended pregnancies have dropped. The teen birth rate in the United States is at a record low of below 25 births per 1,000 teen females. Abortion rates dropped 26% between 2008 and 2014. The proportion of pregnancies in the United States that were unintended dropped 6% between 2006 and 2013.

(d) The law’s prohibition on cost-sharing for contraceptives affords women of reproductive age better access to effective forms of contraception, such as intrauterine devices (“IUDs”), patches, and oral contraceptive pills. Use of long-acting reversible contraceptives, such as the IUD, more than tripled between 2007 and 2012, and since the November 2016 general election, data shows a 19% increase in the number of doctor’s visits related to IUDs.

(e) Insurers must also offer breast-feeding support and equipment, such as pumps, without cost-sharing. Studies have shown that employers recoup \$2 to \$3 for every dollar they spend on workplace lactation resources due to greater employee productivity, less turnover, and less time mothers must take off to care for sick children.

(f) Access to preventive services saves women and District taxpayers money and improves health outcomes. For example, in 2013, women in the United States saved nearly \$1.4

billion in out-of-pocket costs for oral contraception, and the most recently available data from 2010 indicated that the District government spent \$13.3 million on unintended pregnancies.

(g) If the ACA is repealed, many low- and moderate-income women, young women, and women of color in the District may have to choose between making ends meet and staying healthy. By enshrining the ACA's covered women's preventive services in District law, this emergency legislation will ensure that, in the event that the ACA or its implementing regulations, recommendations, or guidelines are repealed or rescinded, women in the District of Columbia will not face a gap in coverage.

(h) Similar permanent legislation, the Defending Access to Women's Health Care Services Amendment Act of 2017, as introduced on February 7, 2017 (Bill 21-106), is pending before the Council, and the Committee on Health held a public hearing on the bill on March 20, 2017.

(i) The Council has historically expanded access to women's health care services, including contraception. In passing this emergency legislation, it will continue those efforts, notwithstanding threats by the federal government that jeopardize the health of District women.

Sec. 3. The Council of the District of Columbia determines that the circumstances enumerated in section 2 constitute emergency circumstances making it necessary that the Defending Access to Women's Health Care Services Emergency Amendment Act of 2017 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.