

**HB**

**178**



## REPRESENTATIVE ERIC CROFT

### SPONSOR STATEMENT

#### HB 178 Prescriptive Equity Act

In 2000, the Equal Employment Opportunity Commission ruled that it is against Federal law for employers to exclude prescription contraceptives from their group health insurance plans when other preventative treatments and prescriptions are included. Employers with the very best intentions are inadvertently violating the Civil Rights Act of 1964, as amended by the Pregnancy Discrimination Act. The Prescriptive Equity Act is designed to assist Alaska employers in their attempts to promote the health of their employees, while ensuring compliance with Title VII of the Civil Rights Act.

This Act focuses on bringing Alaska statutes and health insurance policy into alignment with the EEOC ruling and other legal judgments. This Act eliminates the possibility that an insurance company offering prescription coverage to businesses in Alaska could omit contraceptive coverage.

Therefore, this Act eliminates the likelihood of legal actions being taken against employers based on unequal treatment of female employees. Such a lawsuit was successfully undertaken against an employer in Washington state in 2001, finding the employer (Bartell Drug Company) guilty of discrimination for excluding prescription contraceptives from their comprehensive prescription drug plan.

This Act specifically excludes policies purchased by religious employers and private individuals. This Act only requires coverage for prescribed drugs and devices that are approved by the US Food and Drug Administration for use as contraception.



**Subject: HB 178**

**Date: Tue, 02 Mar 2004 15:10:54 -0900**

**From: carolyn V Brown <cvbrown@ptialaska.net>**

**To: Representative\_Peggy\_Wilson@legis.state.ak.us,  
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Representative\_Paul\_Seaton@legis.state.ak.us**

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I respectfully ask that you enter my attached memorandum of March 02, 2004, into the record in support of HB 178.

I will try to be present at the hearing on Thursday, March 4th to present these remarks unless patient commitments prohibit this.

Thank you for these considerations.

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Your files are attached and ready to send with this message.

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**MEMORANDUM**

**DATE:** March 02, 2004

**TO:** House HESS Committee

**FROM:** carolyn V. Brown, M.D., MPH

**SUBJECT:** HB 178 "An Act requiring that the cost of contraceptives be included in certain health care insurance coverage."

As a practicing physician for 40 years and as a board-certified obstetrician-gynecologist who has provided care for women for 30 years, I want to support HB 178.

Please consider these issues in your deliberations:

- Prescriptive equity with contraception is a health issue for individual women and populations of women.
- Contraception is as basic to health care for women as immunizations are for children. Women cannot simply opt out of the need to control their fertility. Men must not opt out of their responsibility to support this basic right and need for women.
- Of the six million pregnancies in the United States each year, 50% are unintended. Abortion will be the end result of 50 % of these unintended pregnancies.
- It is indisputable that available contraception will decrease unintended pregnancies and abortions.
- Insurance companies will pay more to manage unintended pregnancies (prematurity, low birth weight infants, maternal/fetal morbidity/mortality, and abortions) than will be paid for FDA approved contraception.

- It is clearly discriminatory to prohibit prescriptive contraceptive equity when other FDA approved drugs and pharmaceuticals do not bear this discrimination.
- It is estimated that failing to provide insurance coverage for contraceptives may cost an employer 15-27% more as a result of the direct and indirect costs related to unintended pregnancies and the eventual outcomes of these pregnancies.
- The Federal Employees Health Benefits (FEHB) provides this coverage to 1.2 million women of reproductive age. The FEHB is on record to state that this coverage does not add costs to the FEHB program.
- Parity for FDA approved contraceptives is fair and just. HB 178 is a fair and just way to enable this equity for women and their families. I strongly urge you to pass this legislation.

If I can provide additional information, provide documentation for your review, or answer further questions, please let me know.

carolyn V. Brown, M.D., MPH  
March 2004