

A RESOLUTION

22-391

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

February 6, 2018

To declare the existence of an emergency, due to congressional review, with respect to the need to amend the District of Columbia Health Occupations Revision Act of 1985 to allow pharmacists to prescribe and dispense certain contraceptives pursuant to established protocols; to amend the Women’s Health and Cancer Rights Federal Law Conformity Act of 2000 to require insurers to cover certain health care services without cost-sharing, to require that insurers authorize dispensing of up to a 12-month supply of a self-administered hormonal contraceptive prescribed and dispensed by a licensed pharmacist, to provide to certain employers a religious exemption from or accommodation for the coverage of contraceptive products and services, and to require insurers to provide information regarding coverage to enrollees and potential enrollees.

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 Congressional Review Emergency Declaration Resolution of 2018”.

Sec. 2. (a) On May 2, 2017, the Council passed Bill 22-225, the Defending Access to Women’s Health Care Services Temporary Amendment Act of 2017 (D.C Act 22-54; 64 DCR 6712), which will expire on February 21, 2018.

(b) On January 9, 2018, the Council passed a permanent version, the Defending Access to Women’s Health Care Services Amendment Act of 2017, which was signed by the Mayor on January 31, 2018 (D.C. Act 22-246).

(c) There will be a gap in authority between the expiration of the temporary act on February 21, 2018, and the end of the 30-day congressional review period for the permanent measure, the date of which is not yet projected. To prevent a gap in the law, it is necessary to move this identical congressional review emergency legislation.

(d) The temporary act requires Medicaid, the DC Healthcare Alliance, and private insurers in the District of Columbia to provide to women coverage without cost-sharing for preventive health services Congress required pursuant to section 2713 of the Patient Protection and Affordable Care Act (“ACA”), approved March 23, 2010 (124 Stat. 131; 42 U.S.C. § 300gg-13), and the act’s implementing regulations, guidelines, and recommendations. The permanent version provides that the same services must be covered without cost-sharing, expands the preventive services that must be covered without cost-sharing, and, subject to appropriations, authorizes pharmacists to prescribe and dispense contraceptives. A gap in authority between the

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temporary and permanent versions would create uncertainty for insurance providers and enrollees.

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 Congressional Review Emergency Amendment Act of 2018 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.