

AAUW WA State Legislative Update 1/22/2021

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Week 2

The second week of Washington's virtual session was dominated by committee hearings, residents navigating the new capabilities of virtual testimony, and a historic Inauguration in the other Washington. Several of AAUW's priority bills received legislative hearings this past week, while a few new proposals were introduced in the House and Senate.

Curious how to engage in the 2021 virtual session? Learn more about [how to access the legislature remotely here](#) and get detailed information about [how to testify remotely here](#).

NEW Keep Our Care Act (SB XXXX)

In response to the increasing number of health care consolidations and mergers across our state, leaving communities with reduced access to critical health care services, Senator Emily Randall will be introducing legislation that would require a new application and review process for future proposed hospital mergers, including transparency about loss of existing services, particularly abortion, end-of-life, and gender affirming services. The Keep Our Care Act will also allow the state to share this information with patients and provide opportunities for the public to weigh in on how the merger would affect their access to care. The information must be used to prepare an independent health care impact statement for any proposed acquisition that must be used in considering whether the acquisition will detrimentally affect the continued existence of accessible, affordable care responsive to the needs of the community. We anticipate the bill will be introduced early next week.

NEW Removing proof of marriage in sexual assault cases (SB 5177)

In Washington statute, the language "and not married to the perpetrator" is used through the law to define who is guilty of a sex offense. Due to this, marriage can be used as a legal defense for rape – creating a loophole allowing sex offenders from out of state to avoid registering in Washington. "Ours is one of only a handful of states where our inconsistency in legal language with other states has enabled certain sex offenders to avoid registration," [said Senator Cleveland](#), the bill's prime sponsor. "It's time for our state to join the rest of the modern world and ensure that sex offenders from other states are registered in our state as well." [SB 5177](#) will remove this horrific language from statute. The bill is scheduled for a hearing on January 25th and has already been scheduled for executive session on January 28th.

NEW Improving care for survivors of non-fatal strangulation (SB 5183) [SB 5183](#) directs the Office of Crime Victims Advocacy to develop practices that local communities may voluntarily use to create more access to forensic nurse examiners in cases of nonfatal strangulation assault. It also authorizes the Crime Victims Compensation Program to pay the forensic examination costs. This bill would help survivors of domestic violence to get more appropriate care for their injuries. With non-fatal strangulation, injuries may present after the assault or

much later and may persist for months and even years post-assault. This bill will help provide new resources for expanding access to trained medical staff to provide appropriate care for these injuries. The bill was heard in Senate Human Services, Reentry, and Rehabilitation on Thursday.

Updates on previous reports

Extending Apple Health to pregnant persons through 12 months postpartum (SB 5068)

Momentum continues to grow for [SB 5068](#), a bill that will extend Medicaid coverage to 12 months postpartum. The bill was heard in Senate Health & Long Term Care on Wednesday. Legislators heard powerful testimony from patients and medical providers about the need for this bill.

This policy passed last session with overwhelming support but was unfortunately vetoed by the governor due to the cost of the program, the emergence of the COVID crisis and the looming budgetary shortfall. Senator Randall has re-introduced the bill in 2021, with strong bi-partisan support. SB 5068 would extend postpartum Apple Health coverage from 60 days to 12 months, with the same eligibility standards as the current program (up to 198% FPL). It would also direct HCA to pursue a waiver to draw down federal matching funds. The Maternal Mortality Review Panel's [findings](#) that 30% of all pregnancy-related maternal deaths and the majority of suicides and accidental overdoses occur 43 to 365 days after delivery. There are significant racial [disparities](#) in maternal mortality rates, as well. American Indian and Alaska Native women are six to seven times as likely to die from a pregnancy related cause as white women. At the federal level, there was bipartisan legislation that would have provided federal match to states that chose to extend postpartum Medicaid to 12 months. Unfortunately, action wasn't taken on the bill before Congress adjourned. It is expected that it will be reintroduced with the beginning of the 117th session of Congress.

UPDATE: There was strong support of the bill at the public hearing on January 20th and it is expected to move out of Senate Health next week.

Protecting Pregnant Patient Act (SB 5140)

[SB 5140](#) sponsored by Senator Patty Kuderer is scheduled for hearing on January 20th in Senate Health. The bill will ensure that health care providers can provide pregnant patients who are experiencing complications of pregnancy, miscarriage, or an ectopic pregnancy, the necessary care they need and that their health and lives are not placed at risk. The policy will ensure that providers are able to provide the appropriate standard of care treatment for their patients, without risk of retaliation by their employer. We have been attempting to get this policy passed for many years and are hopeful that this will be the year that we can get it across the finish line. ACOG will be testifying in support of the legislation.

UPDATE: SB 5140 had a public hearing on January 20th. As shown through testimony and sign-ins, this bill is supported by community members and provider organizations from across the state. You can watch the public hearing for this bill as well as for SB 5068 [here](#).

Abortion Coverage in Student Health Plans (HB 1009)

A bill sponsored by Rep. My-Linh Thai to require abortion coverage to student health care plans has been referred to the Rules Committee and is on second review. [House Bill 1009](#) aims to extend the Reproductive Parity Act to student health plans. Under the RPA, health insurance plans in Washington providing coverage for maternity care must provide equivalent coverage for abortion services.

UPDATE: This bill was [heard in the House Committee on Health Care and Wellness on January 13th](#) and was passed out of committee quickly on January 14th.

Improving Access to Paid Family and Medical Leave (HB 1073 & SB 5097)

The House and Senate proposals to expand paid family and medical leave were heard in their respective committees – you can watch the hearings [here](#) and [here](#). Senators heard strong support from parents and advocates, but they also heard strong opposition from business organizations. However, the bill is still moving. [HB 1073](#) and [SB 5097](#) aim to improve the state's paid family and medical leave program by addressing barriers to access. The bills vary slightly, but generally they would:

- **Expand family definition to also include chosen family.** Families all look different, and our society benefits when loved ones provide care for someone who is critically ill. States like New Jersey, Oregon, Connecticut, and Colorado all have this more inclusive family definition.
- **Expand job protection for workers who have been on the job for 90 days.** Every other state program has much more extensive job protection requirements, and all but Connecticut also require expanded continuation of health insurance. A pandemic is no time to lose health insurance or risk your job!
- **Reduce the hours worked requirement down to \$1,000 in earnings or about 73 hours:** With 2020 reduced hours and layoffs, many won't meet the 820 hour qualifying threshold in 2021. Washington imposes a higher threshold than 8 of the 9 other state programs. Oregon requires \$1,000 in earnings; California, with the oldest program, requires just \$300.

UPDATE: The House version is scheduled to be voted out of Committee next Wednesday.

Fair Starts for Kids Act (SB 5237/HB 1213)

Nearly 550,000 children in Washington state do not have access to child care [according to Child Care Aware](#). The Fair Start for Kids Act ([HB 1213](#) and [SB 5237](#)), an omnibus early learning proposal, aims to address years of underinvestment in early childhood education.

The legislation addresses a range of investments related to early learning, including:

- Increased subsidy rates for providers, providing access to health care for providers
- Lower co-pays for Working Connections Child Care families (the state's child care subsidy program)

- Increased eligibility for Working Connections Child Care to families at or below 85% of state median income
- Expanded Early Childhood Education and Assistance Program (ECEAP) eligibility
- Capital investments in child care facilities
- Expansion of a statewide mental health consultation program

UPDATE: Both bills were heard this week – [the House hearing is available on TVW here](#). Lawmakers heard from dozens of parents, child care providers, economic development professionals, and policy experts about the deep need for investments in early learning.

Working Families Tax Credit (HB 1297)

Representative My-Linh Thai dropped [HB 1297](#) this week with 46 co-sponsors, including six Republicans. The policy would provide a \$500 annual cash payment with an additional \$150 payment for each child in the home up to three children. The tax credit would be available to low- and moderate-income families who qualify for the EITC, including undocumented families who file with an Individual Tax Identification Number (ITIN). This new cash benefit would reach 500,000 Washingtonians and 25% of all Washington children. The tax credit is modeled off state-based Earned Income Tax Credits, which are some of the [most-studied and best-proven anti-poverty policies](#). Senator Nguyen is expected to introduce a Senate version of the bill as well.

Capital gains tax (SB 5096)

Governor Inslee's request-legislation on a capital gains tax was heard in Senate Ways & Means on Thursday. [SB 5096](#) proposes a 9% tax rate starting January 1, 2022. Supporters organized by Balance Our Tax Code and the Invest in Washington Coalition testified in support of the policy, which is projected to raise over \$1 billion in the coming budget cycle and more than \$2 billion in future cycles. [You can watch the bill hearing here](#). More proposals on new, progressive revenue are expected to come forward in both the House and Senate.