

116TH CONGRESS  
1ST SESSION

# S. 758

To ensure affordable abortion coverage and care for every woman, and for other purposes.

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## IN THE SENATE OF THE UNITED STATES

MARCH 12, 2019

Ms. DUCKWORTH (for herself, Mrs. MURRAY, Ms. HIRONO, Ms. HARRIS, Mrs. SHAHEEN, Mrs. GILLIBRAND, Mr. BLUMENTHAL, Mr. WYDEN, Ms. SMITH, Ms. ROSEN, and Ms. KLOBUCHAR) introduced the following bill; which was read twice and referred to the Committee on Health, Education, Labor, and Pensions

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## A BILL

To ensure affordable abortion coverage and care for every woman, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Equal Access to Abor-  
5 tion Coverage in Health Insurance (EACH Woman) Act  
6 of 2019”.

7 **SEC. 2. FINDINGS.**

8 Congress makes the following findings:

1           (1) Affordable, comprehensive health insurance  
2           that includes coverage for a full range of pregnancy-  
3           related care, including abortion, is critical to the  
4           health of every person regardless of actual or per-  
5           ceived race, color, national origin, immigration sta-  
6           tus, sex (including sexual orientation, gender iden-  
7           tity, pregnancy, childbirth, a medical condition relat-  
8           ing to pregnancy or childbirth, or sex stereotyping),  
9           age, or disability status.

10           (2) Neither a woman’s income level nor her  
11           type of insurance should prevent her from having ac-  
12           cess to a full range of pregnancy-related care, in-  
13           cluding abortion services.

14           (3) No woman should have the decision to have,  
15           or not to have, an abortion made for her based on  
16           her ability or inability to afford the procedure.

17           (4) Since 1976, the Federal Government has  
18           withheld funds for abortion coverage in most cir-  
19           cumstances, affecting women of reproductive age in  
20           the United States who are insured through the Med-  
21           icaid program, as well as women who receive insur-  
22           ance or care through other Federal health plans and  
23           programs. Of women aged 15–44 enrolled in Med-  
24           icaid in 2017, 55 percent lived in the 35 States and  
25           the District of Columbia that do not cover abortion,

1       except in limited circumstances. This amounts to  
2       roughly 7.3 million women of reproductive age, in-  
3       cluding 3.1 million women living below the Federal  
4       poverty level. Women of color are disproportionately  
5       likely to be insured by the Medicaid program: Na-  
6       tionwide, 32 percent of Black women and 27 percent  
7       of Hispanic women aged 15–44 were enrolled in  
8       Medicaid in 2017, compared with 16 percent of  
9       White women.

10           (5) Moreover, 26 States also prohibit abortion  
11       coverage in private insurance plans within or beyond  
12       health insurance marketplaces under the Patient  
13       Protection and Affordable Care Act.

14           (6) Restrictions on abortion coverage interfere  
15       with a woman’s personal decision making, with her  
16       health and well-being, and with her constitutionally  
17       protected right to a safe and legal medical proce-  
18       dure.

19           (7) Restrictions on abortion coverage have a  
20       disproportionate impact on low-income women,  
21       women of color, immigrant women, and young  
22       women. These women are already disadvantaged in  
23       their access to the resources, information, and serv-  
24       ices necessary to prevent an unintended pregnancy  
25       or to carry a healthy pregnancy to term.

1 **SEC. 3. ABORTION COVERAGE AND CARE REGARDLESS OF**  
 2 **INCOME OR SOURCE OF INSURANCE.**

3 (a) ENSURING ABORTION COVERAGE AND CARE  
 4 THROUGH THE FEDERAL GOVERNMENT IN ITS ROLE AS  
 5 AN INSURER, EMPLOYER, OR HEALTH CARE PRO-  
 6 VIDER.—The Federal Government shall—

7 (1) ensure coverage for abortion care in public  
 8 health insurance programs including Medicaid,  
 9 Medicare, and the Children’s Health Insurance Pro-  
 10 gram;

11 (2) in its role as an employer or health plan  
 12 sponsor, ensure coverage for abortion care for par-  
 13 ticipants and beneficiaries; and

14 (3) in its role as a provider of health services,  
 15 ensure abortion care is made available to individuals  
 16 who are eligible to receive services in its own facili-  
 17 ties or in facilities with which it contracts to provide  
 18 medical care.

19 (b) PROHIBITING RESTRICTIONS ON PRIVATE INSUR-  
 20 ANCE COVERAGE OF ABORTION CARE.—

21 (1) FEDERAL RESTRICTIONS.—The Federal  
 22 Government shall not prohibit, restrict, or otherwise  
 23 inhibit insurance coverage of abortion care by State  
 24 or local government or by private health plans.

25 (2) STATE AND LOCAL GOVERNMENT RESTRIC-  
 26 TIONS.—State and local governments shall not pro-

1       hibit, restrict, or otherwise inhibit insurance cov-  
2       erage of abortion care by private health plans.

3 **SEC. 4. SENSE OF CONGRESS.**

4       It is the sense of the Congress that—

5           (1) the Federal Government, acting in its ca-  
6       pacity as an insurer, employer, or health care pro-  
7       vider, should serve as a model for the Nation to en-  
8       sure coverage of abortion care; and

9           (2) moreover, restrictions on coverage of abor-  
10      tion care in the private insurance market must end.

11 **SEC. 5. RULE OF CONSTRUCTION.**

12      Nothing in this Act shall be construed to have any  
13 effect on any Federal, State, or local law that includes  
14 more protections for abortion coverage or care than those  
15 set forth in this Act.

16 **SEC. 6. SEVERABILITY.**

17      If any portion of this Act or the application thereof  
18 to any person or circumstances is held invalid, such inva-  
19 lidity shall not affect the portions or applications of this  
20 Act which can be given effect without the invalid portion  
21 or application.

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