



Your Rights to Birth Control in Washington State

Every person in Washington State has the legal right to use or refuse to use birth control. This publication answers basic questions about your legal rights to birth control. More resources are listed at the end of this publication.

General Information

What Are the Different Types of Birth Control?

Types of birth control include:

- condoms
- vaginal sponges
- spermicide
- diaphragms
- pills
- patches
- vaginal rings
- injections
- under-the-skin implants
- intrauterine devices (IUDs)
- sterilization
- emergency contraception

Some are single-use (like condoms), some are used on a regular schedule (like the pill), and some are long-lasting (like the IUD). Emergency contraception is taken after unprotected sex or a sexual assault to prevent pregnancy.

How Do I Get Birth Control?

It depends on the type of birth control you want. You can get some types of birth control – like condoms, spermicide, the vaginal sponge, and emergency contraception pills – at a pharmacy, drug store, or online without a prescription. But for other types of birth control you will have to get a prescription from a health care provider.

See the Resources section at the end of this publication for more information on the different types of birth control and where to get them. See also the Emergency Contraception section later in this publication.

I'm Under 18. Can I Get Birth Control?

Yes. In Washington State, there is no age restriction or requirement to involve your parents (but read the important note under “Does Anyone Have the Right to Know about My Birth Control?” below).

Can a Pharmacy or Drug Store Refuse to Sell Me Birth Control?

Washington State pharmacies must fill all valid prescriptions, including prescriptions for birth control, unless:

- There is a medical reason not to, such as an allergy or conflicting medication; or
- The pharmacy does not have it in stock and cannot get it quickly. If so, they must order it for you or refer you to a place where you can get it in time.

If a pharmacy refuses to fill your prescription, you can [file a complaint](#) with the Washington State Department of Health. See Resources at the end of this publication.

Pharmacies that sell over-the-counter birth control must sell it to you, even if you are under 18. They cannot make you show ID, because there is no age restriction. If a pharmacy refuses to sell you over-the-counter birth control, you can [file a complaint](#) with the Washington State Department of Health. See Resources at the end of this publication.

If you try to buy birth control like condoms, for example, at a grocery store or other store that is not a pharmacy, and they will not sell it to you, you can complain to the store manager or to the company that owns the store. If you think that the store refused to sell it to you because of your gender, race, or other identity, you can [file a complaint](#) with the Washington State Human Rights Commission.

Does Anyone Have the Right to Know about My Birth Control?

No (but read the important note below). You do not have to tell or get permission from anyone to get birth control. Your parent/guardian does not have the right to know. Your spouse/partner does not have the right to know. If you get birth control from your health care provider or a family planning clinic, they must keep your medical records private.

Important: If you are using health insurance to pay for your birth control and medical appointments, the insurance company will likely send a statement, called an “Explanation of Benefits” that includes details about your medical care and prescriptions. If your parent/guardian or a spouse/partner receives these Explanations, and you do not want that person to know about your birth control choices, you have a couple of options.

One option is to ask the insurance company to keep that information confidential. To do that, you need to:

1. Tell your health care provider that you want to keep the details about your health care private.
2. Send a written letter or email to your insurance company stating:
 - a. You want keep information about your health care confidential;
 - b. The details that should not be shared (dates, services, medications, devices, provider identity, cost information, etc.);
 - c. The names and addresses of the people on your insurance plan with whom the information must not be shared; and
 - d. Your name and phone number or email address.

The other option is to not use that health insurance, and instead go to a community health clinic or family planning clinic (see resources below) or apply for the Take Charge program. See “The Take Charge Program” later in this publication.

Can I Be Forced to Use Birth Control?

No. No one has the right to make this choice for you, and no one should pressure you into using or not using birth control. If anyone – family, partner, doctor, *anyone* – pressures, threatens, or forces your decisions about birth control, you may be experiencing reproductive coercion, a form of domestic violence. See Resources under “Sexual Assault” at the end of this publication.

What about Abortion?

For information about your legal rights to abortion, see the Legal Voice publication [*Know Your Rights: Abortion in Washington State*](#), listed in the Resources section at the end of this publication.

If You Have Health Insurance

Does Insurance Cover Birth Control?

Most health insurance plans that offer prescription drug coverage in Washington State must cover at least one version of each type of birth control, and related appointments, at no cost to you (see “How Do I Find Out Which Brands Are Covered?” later in this publication).

Some religious employers can remove birth control coverage from their employee health insurance. If this is your situation, you might qualify for free birth control from the Take Charge program. See “What Is the Take Charge Program?” later in this publication. Also see [*Your Employer or University Objects to Providing Insurance Coverage of Birth Control: What Does That Mean for You?*](#), by the National Women’s Law Center, listed in the Resources section at the end of this publication.

How Do I Find Out If My Insurance Covers Birth Control?

If the insurance plan is through your job, you may be able to get information from your plan administrator. Otherwise, review the online or printed formulary (list of medicines and services covered by your health insurance plan) or call your health insurance company. The National Women’s Law Center has created a [phone script](#) to help you. It is listed under “Insurance Coverage of Birth Control” in the Resources section at the end of this publication.

Note that your plan may have “in-network” and “out-of-network” pharmacies. You may have to go to an in-network pharmacy in order to have your birth control covered.

My Insurance Doesn’t Include Birth Control. What Do I Do?

The Take Charge program provides free birth control to people who qualify. See “What Is the Take Charge Program?” later in this publication.

If your insurance comes from a religious employer, see [*Your Employer or University Objects to Providing Insurance Coverage of Birth Control: What Does That Mean for You?*](#), by the National Women’s Law Center, listed in the Resources section.

If your insurance *should* cover your birth control costs, but is not, contact both Legal Voice and the Washington State Office of the Insurance Commissioner:

- Legal Voice
By phone: 206-682-9552
Email: info@legalvoice.org
- The Washington State Office of the Insurance Commissioner
By phone: 1-800-562-6900
Online: www.insurance.wa.gov/your-insurance/email-us/index.html

How Do I Find Out Which Brands Are Covered?

Call your health insurance company, or review the online or printed formulary (list of medicines and services covered by your health insurance plan). The National Women’s Law Center has created a [phone script](#) to help you. It is listed under “Insurance Coverage of Birth Control” in the Resources section at the end of this publication.

Note: Not every brand must be covered, but they must offer an option for each type (pills, implants, IUDs, vaginal rings, sterilization, etc.) If your preferred brand of birth control is not covered, you may be able to get a waiver to use the brand you need without cost. Talk to your health care provider.

How Much Will I Have to Pay?

If your insurance plan covers birth control, you do not have to pay anything for the prescriptions, devices, or related appointments. That includes copays. The cost should not be applied to your deductible, either.

If your insurance plan does not cover birth control, you may still be able to get free birth control through the Take Charge program. See “What Is the Take Charge Program?” later in this publication.

How Much Can I Get at Once?

It depends on what kind of birth control you use. If you use hormonal birth control (like the pill or patch), you can get 12 months of birth control at a time. The pharmacy must fill the amount you want from your 12-month prescription and your insurance company must pay for it.

If your pharmacy refuses to fill the amount you want, or if your insurance company does not pay the full cost or sets a stricter limit, contact both Legal Voice and the Washington State Office of the Insurance Commissioner (see contact information above).

Can I Get More than One Kind of Birth Control?

Yes, if you choose to use multiple types of birth control at once, or use different types at different times, your insurance must cover all of it without any cost to you.

The Take Charge Program

What Is the Take Charge Program?

Take Charge provides free family planning services – including free birth control – to people in Washington State who qualify. Your income must be at or below 260% of the Federal Poverty Level, and you must either be:

- Uninsured and not eligible for Apple Health (Medicaid) coverage, OR
- Insured and seeking confidential family planning services.

You can apply for this program at

- Planned Parenthood clinics,
- Washington State Family Planning Clinics,
- Public Health Family Planning Clinics in Seattle and King County, and
- Through the Washington State Medicaid program, known as Apple Health.

For more information about how to sign up, see listings under “The Take Charge Program” in the Resources section at the end of this publication.

Will Take Charge Cover Me If I’m an Undocumented Immigrant?

No. Though all people are welcome at family planning clinics, you cannot get birth control from the Take Charge Program if you are an undocumented immigrant. Legal Voice is working to change that.

Legal Voice and many other organizations and individuals are working together to try to make sure that every person living in Washington State can get access to birth control and reproductive health care. [Visit our website](#) to learn more about this work.

Where Can Everyone Get Birth Control, Regardless of Immigration Status?

Community health clinics (including school-based clinics) and family planning clinics like Planned Parenthood serve everyone, no matter what their immigration status. You can get birth control at these clinics.

Emergency Contraception (EC)

What Is Emergency Contraception?

Emergency Contraception (EC) prevents pregnancy after unprotected sex. It is commonly used after a sexual assault. There are two types of emergency contraception:

- **Pills:** There are several brands of emergency contraception pills currently available. Each brand includes one or two doses, with the same type of hormones used in birth control pills. The pills must be taken within 3-5 days after unprotected sex, depending on the type of pill.
- **IUD:** Pregnancy can also be prevented after unprotected sex by inserting a Paragard Copper T IUD within 5 days after unprotected sex. It must be inserted by a health care provider.

For some people, certain types of emergency contraception work better than others. To learn more about emergency contraception and see which type is best for you, see the listings under “Emergency Contraception” in the Resources section at the end of this publication.

How Can I Get EC?

- **Over-the-counter:** Some types of emergency contraception you can buy without a prescription. You may have to pay out of pocket and save the receipt to be reimbursed by your insurance company later. Some providers, like family planning clinics, have it available on-site.
- **Prescription:** It’s possible you may need or want a prescription for emergency contraception depending on the type and your insurance. If you have a prescription filled at a pharmacy, the pharmacy will bill your insurance directly. You should not have to pay a co-pay; if you are charged a co-pay, you should contact your insurance company to complain and ask for a reimbursement.
- **Emergency Rooms:** Emergency contraception pills are available in emergency rooms for people who have been sexually assaulted. There is no age restriction. See “Can I Get EC in an Emergency Room If I’ve Been Sexually Assaulted?” below.

I’m Under 18. Can I Get EC?

Yes (but read the important note under “Does Anyone Have the Right to Know about My Birth Control?” earlier in this publication). There is no age restriction or requirement to involve your parents. Even if the package directions say it’s for people age 17 and older, you do *not* have to show ID in order to buy it.

Can a Pharmacy or Drug Store Refuse to Sell Me EC?

Washington State pharmacies must fill all valid prescriptions, including prescriptions for emergency contraception, unless:

- There is a medical reason not to do so, such as an allergy or conflicting medication; or
- The pharmacy does not have the drug in stock and cannot get it quickly.

If a pharmacy refuses to fill your prescription, you can [file a complaint](#) with the Washington State Department of Health. See Resources at the end of this publication.

Drug stores that sell over-the-counter emergency contraception must sell it to you, even if you are under 18. They cannot make you show ID.

Can I Get EC in an Emergency Room If I’ve Been Sexually Assaulted?

Yes. Emergency room staff must tell you that emergency contraception is available. If you ask for it, they must immediately give it to you.

You can get help at an emergency room regardless of your age, ability to pay, or your immigration status.

See listings under “Sexual Assault” in the Resource section below for more information about your rights and resources if you have been sexually assaulted.

Can Emergency Room Staff Refuse to Give Me EC?

No. If you ask for emergency contraception, they must give it to you. If hospital staff refuses to give you emergency contraception, you can [file a complaint](#) with the Washington State Department of Health. See Resources at the end of this publication.

Will I Have to Pay for the EC?

No. You do not have to pay for the emergency contraception you get from the emergency room after a sexual assault. The state covers the cost for *everyone*.

Resources

Emergency Contraception

- Healthcare Provider and Facility Complaint Process: Contact the Department of Health by phone or email for help with the complaint process and form.
By phone: 360-236-2620
Email: hsqacomplaintintake@doh.wa.gov
Online: www.doh.wa.gov; click on “Licenses, Permits and Certificates, then “File Complaint About Provider or Facility”
- The Emergency Contraception Website: Information about how to find pharmacies that carry emergency contraception
Online: <http://ec.princeton.edu/providers/index.html>
- Planned Parenthood: Information about emergency contraception.
Online:
 - Emergency Contraception
www.plannedparenthood.org/learn/morning-after-pill-emergency-contraception
 - Quiz: Is the Morning-After Pill Right for Me?
https://tools.plannedparenthood.org/ec/title_screen

Other Birth Control

- Planned Parenthood: Information about birth control.
Online: www.plannedparenthood.org/learn/birth-control
- Reproductive Health Access Project: Offers information about birth control, abortion and miscarriage. See *Your Birth Control Choices Fact Sheet*, and more.
Online: www.reproductiveaccess.org/resources/

Insurance Coverage of Birth Control

- *Getting the Coverage You Deserve*, by the National Women’s Law Center: Information to help you confirm whether you’ve been wrongfully charged for your birth control and how to appeal that charge.

By phone: 1-866-745-5487

By email: coverher@nwlc.org

Online: www.nwlc.org; use the search function to find this publication

- Phone script: *How To Find Out If Your Health Plan Is Covering Women's Preventive Services with No Co-Pay, as Required by the Health Care Law*, by the National Women's Law Center
Online: www.nwlc.org; use the search function to find this publication
- *Your Employer or University Objects to Providing Insurance Coverage of Birth Control: What Does That Mean for You?*, by the National Women's Law Center: Information about workplace insurance coverage of birth control.
By phone: 1-866-745-5487
By email: CoverHer@nwlc.org
Online: www.nwlc.org/issue/birth-control/; listed under "Fact Sheets"
- Washington State Office of the Insurance Commissioner would like to hear your story of how insurance billing statements violate your right to privacy.
Online: www.insurance.wa.gov/file-complaint-or-check-your-complaint-status.

The Take Charge Program

- ParentHelp123: Information and resources on health benefit programs.
By phone: 1-800-322-2588
Online: www.parenthelp123.org/resources/health-insurance-programs/take-charge-program
- Take Charge (Family Planning non-Medicaid), Washington State Health Care Authority: Information about the Take Charge program.
Online: www.hca.wa.gov/health-care-services-supports/apple-health-medicaid-coverage/take-charge-family-planning-non-medicaid
- Take Charge provider directory:
Online: www.hca.wa.gov/health-care-services-supports/apple-health-medicaid-coverage/take-charge-family-planning-non-medicaid

Sexual Assault

- King County Sexual Assault Resource Center
Online: www.kcsarc.org/
- *Know Your Rights: Sexual Assault on Washington State Colleges and Universities*
Online: www.students.legalvoice.org/
- RAINN: A national anti-sexual violence organization, offering 24-7 support hotline, referrals, and programs.
By phone: 1-800-656-4673
Online: www.rainn.org

- *Rape and Pregnancy: Washington State’s Rape Survivor’s Safety Act*, by Legal Voice
Online: www.legalvoice.org/tools-violence
- Washington Coalition of Sexual Assault Programs: Find help after sexual assault.
Online: www.wcsap.org/find-help
- Washington State Coalition Against Domestic Violence
Online: www.wscadv.org/get-help-now/
- Also see listings under “Emergency Contraception” above.

Other Resources

- *Abortion in Washington State*, by Legal Voice
Online: www.legalvoice.org/abortion-rights-washington
- Bedsider: Information on birth control, reminders, and other features.
Online: www.bedsider.org/
- Our Bodies Ourselves: Information and resources on sexuality and reproductive health.
Online: www.ourbodiesourselves.org/health-information/
- Scarleteen: Inclusive, comprehensive, supportive sexuality and relationship information for teens and emerging adults.
Online: www.scarleteen.com/tags/birth_control

This publication provides general information concerning your rights and responsibilities. It is not intended as a substitute for specific legal advice. This information is current as of August 2018. Acknowledgments Deborah Klein, Lauren Guicheteau, Priya Walia, Sara Ainsworth, and Chloë Phalan for their work developing this memo.

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