



1                   **RESPONSIBILITIES GENERALLY.**2 **§9-2-11a. Preventing taxpayer subsidization of health insurance**  
3                   **covering elective abortions; abortion coverage only**  
4                   **offered through supplemental policies.**5           (1) Pursuant to the Patient Protection and Affordable Care  
6 Act, Pub. L. No. 111-148, all qualified health plans offered  
7 through an Exchange established in the state are prohibited from  
8 including elective abortion coverage. Nothing in this section  
9 prevents anyone from purchasing optional supplemental coverage for  
10 elective abortions for which there is paid a separate premium in  
11 accordance with subsection (4) of this section in the health  
12 insurance market outside of the Exchange.13           (2) No health plan, including health insurance contracts,  
14 plans or policies, offered outside an Exchange but within the  
15 state, may provide coverage for elective abortions except by  
16 optional separate supplemental coverage for abortion for which  
17 there is paid a separate premium in accordance with subsection (4)  
18 of this section.19           (3) For purposes of this section, an "elective abortion"  
20 means an abortion for any reason other than to prevent the death of  
21 the mother; provided, that an abortion is not one to prevent the  
22 death of the mother based on a claim or diagnosis that she will  
23 engage in conduct that will result in her death.24           (4) The issuer of any health plan providing elective abortion

1 coverage:

2 (a) Shall calculate the premium for coverage so that it fully  
3 covers the estimated cost of covering elective abortions, per  
4 enrollee, determined on an average actuarial basis, and the issuer  
5 of the plan may not take into account any cost reduction in a  
6 health plan covering an enrollee estimated to result from the  
7 provision of abortion coverage, including prenatal care, delivery,  
8 or postnatal care;

9 (b) If the enrollee is enrolling in a health plan providing  
10 other coverage at the same time as the enrollee is enrolling in a  
11 plan providing elective abortion coverage, shall require a separate  
12 signature, distinct from that to enroll in the health plan  
13 providing other coverage, in order to enroll in the separate  
14 supplemental plan providing elective abortion coverage.

15 (c) Shall provide a notice to enrollees, at the time of  
16 enrollment, that:

17 (i) Specifically states the cost of the separate premium for  
18 coverage of elective abortions, distinct and apart from the cost of  
19 the premium for a health plan providing other coverage and this  
20 cost shall be agreed with a separate signature,

21 (ii) States that enrollment in elective abortion coverage is  
22 optional, and

23 (iii) If the enrollee is enrolling in a health plan providing  
24 other coverage at the same time the enrollee is enrolling in a plan

1 providing elective abortion coverage, states that the enrollee may  
2 choose to enroll in the plan providing other coverage without  
3 enrolling in the plan providing elective abortion coverage.

4 (5) The issuer of a health plan providing coverage other than  
5 elective abortion shall not discount or reduce the premium for such  
6 coverage on the basis that an enrollee has elective abortion  
7 coverage.

8 (6) Any employer who offers employees a health plan providing  
9 elective abortion coverage shall, at the time of beginning  
10 employment and at least once in each calendar year thereafter,  
11 provide each employee the option to choose or reject the separate  
12 supplemental elective abortion coverage, verified yearly with a  
13 separate signature.

14 (7) Any entity offering a group health plan providing separate  
15 supplemental elective abortion coverage, other than employers  
16 offering such a plan to their employees, shall, at the time each  
17 group member begins coverage and at least once in each calendar  
18 year thereafter, provide each group member the option to choose or  
19 reject the separate supplemental elective abortion coverage.

20 (8) Nothing in this section applies in circumstances in which  
21 federal law preempts state health insurance regulation.

22 (9) No funds from the Medicaid program account may be expended  
23 for an abortion or for any related expenses except to the extent  
24 required by federal law or necessary for continued participation in

1 a federal program.

2 (10) Severability. If any one or more provision, section,  
3 subsection, sentence, clause, phrase or word of this section or the  
4 application thereof to any person or circumstance is found to be  
5 unconstitutional, the same is hereby declared to be severable and  
6 the balance of this section remains effective notwithstanding such  
7 unconstitutionality. The Legislature hereby declares that it would  
8 have passed this section, and each provision, section, subsection,  
9 sentence, clause, phrase or word thereof, irrespective of the fact  
10 that any one or more provision, section, subsection, sentence,  
11 clause, phrase, or word be declared unconstitutional.

NOTE: The purpose of this bill is to limit health insurance coverage for elective abortions to coverage provided through supplemental policies.

This section is new; therefore, it has been completely underscored.