

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1942 Session of
2011

INTRODUCED BY BAKER, TURZAI, SAYLOR, STERN, AUMENT, BENNINGHOFF,
BLOOM, BOYD, BROOKS, CAUSER, CLYMER, CUTLER, DENLINGER,
FLECK, GABLER, GIBBONS, GINGRICH, GRELL, GROVE, HARRIS,
HEFFLEY, HESS, HICKERNELL, HUTCHINSON, KAUFFMAN,
M. K. KELLER, KILLION, LAWRENCE, MARSHALL, OBERLANDER,
PICKETT, PYLE, RAPP, REICHLEY, ROAE, SACCONI, SCHRODER,
TALLMAN, TOEPEL, VULAKOVICH, WATSON AND KRIEGER,
OCTOBER 31, 2011

REFERRED TO COMMITTEE ON HEALTH, OCTOBER 31, 2011

AN ACT

1 Amending Title 40 (Insurance) of the Pennsylvania Consolidated
2 Statutes, providing for compliance with Federal health care
3 legislation.

4 The General Assembly of the Commonwealth of Pennsylvania
5 hereby enacts as follows:

6 Section 1. Part II heading of Title 40 of the Pennsylvania
7 Consolidated Statutes is amended to read:

8 PART II

9 REGULATION OF INSURERS AND RELATED

10 PERSONS GENERALLY

11 [(Reserved)]

12 Section 2. Part II of Title 40 is amended by adding a
13 chapter to read:

14 Chapter

15 33. Compliance with Federal Health Care Legislation

1 CHAPTER 33

2 COMPLIANCE WITH FEDERAL

3 HEALTH CARE LEGISLATION

4 Sec.

5 3301. Definitions.

6 3302. Opt-out for abortion.

7 § 3301. Definitions.

8 The following words and phrases when used in this chapter
9 shall have the meanings given to them in this section unless the
10 context clearly indicates otherwise:

11 "Abortion." The term shall have the same meaning given to it
12 in 18 Pa.C.S. § 3203 (relating to definitions).

13 "Complication." The term shall have the same meaning given
14 to it in 18 Pa.C.S. § 3203 (relating to definitions).

15 "Health insurance exchange." The term shall mean an
16 insurance system established to comply with section 1311(b) of
17 the Patient Protection and Affordable Care Act (Public Law
18 111-148, 42 U.S.C. § 18031(b)).

19 § 3302. Opt-out for abortion.

20 (a) Prohibition.--The Commonwealth of Pennsylvania hereby
21 elects pursuant to the authority granted the states under
22 section 1303(a) of the Patient Protection and Affordable Care
23 Act (Public Law 111-148, 42 U.S.C. § 18023(a)) to prohibit
24 certain abortion coverage in qualified health plans offered
25 through the health insurance exchange under subsection (b).

26 (b) Included coverage prohibition.--No qualified health plan
27 offered in this Commonwealth through the health insurance
28 exchange shall include coverage for the performance of any
29 abortion unless the reason the abortion is performed is one for
30 which the expenditure of public funds would be permitted under

1 18 Pa.C.S. § 3215(c) (relating to publicly owned facilities;
2 public officials and public funds) and the applicable reports to
3 the extent lawfully required under 18 Pa.C.S. § 3215(c) are
4 made.

5 (c) Excluded coverage prohibited.--No qualified health plan
6 offered in this Commonwealth through a health insurance exchange
7 shall exclude coverage for:

8 (1) Treatment of any postabortion complication.

9 (2) Treatment of any miscarriage or any complication
10 related to a miscarriage.

11 (d) Option.--Nothing in this section shall prohibit an
12 individual from purchasing optional supplemental abortion
13 coverage provided the individual pays a separate premium for the
14 coverage and obtains the coverage outside of the health
15 insurance exchange.

16 Section 3. This act shall take effect in 60 days.