

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 3

Session of 2011

INTRODUCED BY D. WHITE, SCARNATI, PILEGGI, ARGALL, YAW, ROBBINS, BROWNE, ERICKSON, GORDNER, KASUNIC, VOGEL, TOMLINSON, FOLMER, SMUCKER, ORIE, ALLOWAY, PIPPY, CORMAN, BRUBAKER, EICHELBERGER, RAFFERTY, WAUGH, MENSCH, WARD, PICCOLA AND YUDICHAK, JANUARY 14, 2011

AS AMENDED ON THIRD CONSIDERATION, JUNE 6, 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

16 CHAPTER 33

17 COMPLIANCE WITH FEDERAL

1 HEALTH CARE LEGISLATION

2 Sec.

3 3301. Definitions.

4 3302. Opt-out for abortion.

5 § 3301. Definitions.

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

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

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

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

17 § 3302. Opt-out abortion.

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

25 (b) Included coverage prohibition.--No qualified health plan
26 offered in this Commonwealth through the health insurance
27 exchange shall include coverage for the performance of any
28 abortion unless the reason the abortion is performed is one for
29 which the expenditure of public funds would be permitted under
30 18 Pa.C.S. § 3215(c) (relating to publicly owned facilities;

1 public officials and public funds) and the applicable reports TO ←
2 THE EXTENT LAWFULLY required under 18 Pa.C.S. § 3215(c) are
3 made.

4 (c) Excluded coverage prohibited.--No qualified health plan
5 offered in this Commonwealth through a health insurance exchange
6 shall exclude coverage for treatment of any post abortion ←

7 SHALL EXCLUDE COVERAGE FOR: ←

8 (1) TREATMENT OF ANY POST-ABORTION 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.