

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

SENATOR D. WHITE, BANKING AND INSURANCE, AS AMENDED, JANUARY 25,
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:

PART II

REGULATION OF INSURERS AND RELATED

PERSONS GENERALLY

[(Reserved)]

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

14 Chapter15 33. Compliance with Federal Health Care Legislation16 CHAPTER 33

1 COMPLIANCE WITH FEDERAL

2 HEALTH CARE LEGISLATION

3 Sec.

4 3301. Definitions.

5 3302. Opt-out for abortion.

6 § 3301. Definitions.

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

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

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

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

18 § 3302. ~~Op-out~~ OPT-OUT abortion.

19 (a) Prohibition.--The Commonwealth of Pennsylvania hereby
20 elects pursuant to the authority granted the states under
21 section 1303(a) of the Patient Protection and Affordable Care
22 Act (Public Law 111-148, 42 U.S.C. § 18023(b)) to prohibit
23 certain abortion coverage in qualified health plans offered
24 through the health insurance exchange under subsection (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
2 required under 18 Pa.C.S. § 3215(c) are made.

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

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

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