

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 1399 Session of  
2010

INTRODUCED BY D. WHITE, SCARNATI, PILEGGI, CORMAN, ORIE, MENSCH,  
ALLOWAY, ARGALL, FOLMER, VOGEL, ROBBINS, KASUNIC, GORDNER,  
WOZNIAK, BRUBAKER, RAFFERTY, WAUGH, ERICKSON, SMUCKER, WARD,  
BROWNE, MUSTO, YAW, PICCOLA, TOMLINSON, EICHELBERGER,  
McILHINNEY AND PIPPY, SEPTEMBER 13, 2010

REFERRED TO BANKING AND INSURANCE, SEPTEMBER 13, 2010

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 HEALTH CARE LEGISLATION

1 Sec.

2 3301. Definitions.

3 3302. Option for elective abortion.

4 § 3301. Definitions.

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

8 "Elective abortion." An abortion for a reason other than one  
9 of the following:

10 (1) To avert the death of the mother due to a physical  
11 disorder, physical illness or physical injury. This paragraph  
12 includes a life-endangering condition, certified by a  
13 physician, caused by or arising from the pregnancy itself.  
14 This paragraph does not include a claim or diagnosis that,  
15 without the abortion, the mother will engage in conduct which  
16 will result in her death.

17 (2) To terminate a pregnancy which is the result of the  
18 mother being a victim of an offense under 18 Pa.C.S. §  
19 3121(a) (relating to rape) if, prior to the performance of  
20 the abortion, the victim personally reported to a law  
21 enforcement agency with requisite jurisdiction the offense  
22 and, if known, the identity of the offender:

23 (i) except as set forth in subparagraph (ii), within  
24 72 hours of commission of the offense; or

25 (ii) for a victim unable to report the offense,  
26 during the period referred to in subparagraph (i), within  
27 72 hours after recovery of ability to report the offense.

28 (3) To terminate a pregnancy which is the result of an  
29 offense under 18 Pa.C.S. § 4302 (relating to incest) if,  
30 prior to the performance of the abortion and within 72 hours

1 of the time a physician notifies a victim that she is  
2 pregnant:

3 (i) except as set forth in subparagraph (ii), the  
4 victim personally reported the offense and the name of  
5 the offender to a law enforcement agency having the  
6 requisite jurisdiction; or

7 (ii) for a victim who is a minor, a report of the  
8 offense and the name of the offender has been made to the  
9 appropriate county child protective services agency.

10 "State exchange." The insurance system utilized by the  
11 Commonwealth to comply with section 1311(b) of the Patient  
12 Protection and Affordable Care Act (Public Law 111-148, 42  
13 U.S.C. § 18031(b)).

14 § 3302. Option for elective abortion.

15 (a) Prohibition.--A qualified health plan offered through a  
16 State exchange may not include coverage for an elective  
17 abortion.

18 (b) Option.--This section does not forbid an individual from  
19 purchasing optional supplemental coverage for elective abortion  
20 if the individual:

21 (1) pays a separate premium for the coverage; and

22 (2) obtains it outside of the State exchange.

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