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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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SENATE BILL

No. 3 Session of  
2011

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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

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REFERRED TO BANKING AND INSURANCE, JANUARY 14, 2011

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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. § 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. Op-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)) to prohibit  
22 certain abortion coverage in qualified health plans offered  
23 through the health insurance exchange under subsection (b).

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

1 required under 18 Pa.C.S. § 3215(c) are made.

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

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

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