

INSURANCE (40 PA.C.S.) - COMPLIANCE WITH FEDERAL HEALTH CARE  
LEGISLATION

Act of Jun. 17, 2013, P.L. 43, No. 13

Cl. 40

Session of 2013

No. 2013-13

HB 818

AN ACT

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

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

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

PART II  
REGULATION OF INSURERS AND RELATED  
PERSONS GENERALLY  
[(Reserved)]

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

**Chapter**

**33. Compliance with Federal Health Care Legislation**

**CHAPTER 33**

**COMPLIANCE WITH FEDERAL  
HEALTH CARE LEGISLATION**

**Sec.**

**3301. Definitions.**

**3302. Opt-out for abortion.**

**§ 3301. Definitions.**

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

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

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

"Health insurance exchange." The term shall mean an insurance system established to comply with section 1311(b) or 1321(c) of the Patient Protection and Affordable Care Act (Public Law 111-148, 42 U.S.C. § 18031(b) or 18041(c)).

**§ 3302. Opt-out for abortion.**

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

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

(c) Excluded coverage prohibited.--No qualified health plan offered in this Commonwealth through a health insurance exchange

shall exclude coverage for:

( 1) Treatment of any postabortion complication.

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

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

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

APPROVED--The 17th day of June, A.D. 2013.

TOM CORBETT