

PLEASE NOTE:
THIS DOCUMENT INCLUDES BOTH THE BILL AND ALSO A TRANSMITTAL LETTER
THAT CONTAINS PASSED AMENDMENTS BUT NOT INCORPORATED INTO THE
BILL.



UTAH STATE SENATE

UTAH STATE CAPITOL COMPLEX • 320 STATE CAPITOL
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March 10, 2011

Madam Speaker:

The Senate passed **2nd Sub. H.B. 354**, INSURANCE AMENDMENTS RELATING TO ABORTION, by Representative C. Wimmer, with the following amendments:

1. *Page 1, Lines 20 through 21:*

20 Other Special Clauses:

21 {~~None~~} This bill takes effect on January 1, 2012.

2. *Page 2, Line 48:*

48 Act, 111 P.L. 148, unless the coverage is a type of permitted abortion coverage.

Section. 2 Effective Date.

This bill takes effect on January 1, 2012.

and it is transmitted to the House for consideration.

Respectfully,

Annette B. Moore
Secretary of the Senate

Representative David Clark proposes the following substitute bill:

INSURANCE AMENDMENTS RELATING TO ABORTION

2011 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Carl Wimmer

Senate Sponsor: _____

LONG TITLE

General Description:

This bill amends provisions of the Insurance Code by limiting the type of abortion coverage that may be offered in a health benefit plan, on the state health insurance exchange, or on a federally mandated health insurance exchange.

Highlighted Provisions:

This bill:

- ▶ defines the term, "permitted abortion coverage"; and
- ▶ limits the type of abortion coverage that may be offered in a health benefit plan, on the state health insurance exchange, or on a federally mandated health insurance exchange.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

ENACTS:

31A-22-726, Utah Code Annotated 1953



26 *Be it enacted by the Legislature of the state of Utah:*

27 Section 1. Section **31A-22-726** is enacted to read:

28 **31A-22-726. Abortion coverage restriction in health benefit plan and on health**
29 **insurance exchange.**

30 (1) As used in this section, "permitted abortion coverage" means coverage for abortion:

31 (a) that is necessary to avert:

32 (i) the death of the woman on whom the abortion is performed; or

33 (ii) a serious risk of substantial and irreversible impairment of a major bodily function

34 of the woman on whom the abortion is performed;

35 (b) of a fetus that has a defect that is documented by a physician or physicians to be

36 uniformly diagnosable and uniformly lethal; or

37 (c) where the woman is pregnant as a result of:

38 (i) rape, as described in Section 76-5-402;

39 (ii) rape of a child, as described in Section 76-5-402.1; or

40 (iii) incest, as described in Subsection 76-5-406(10) or Section 76-7-102.

41 (2) A person may not offer coverage for an abortion in a health benefit plan, unless the
42 coverage is a type of permitted abortion coverage.

43 (3) A person may not offer a health benefit plan that provides coverage for an abortion
44 in a health insurance exchange created under Title 63M, Chapter 1, Part 25, Health System
45 Reform Act, unless the coverage is a type of permitted abortion coverage.

46 (4) A person may not offer a health benefit plan that provides coverage for an abortion
47 in a health insurance exchange created under the federal Patient Protection and Affordable Care
48 Act, 111 P.L. 148, unless the coverage is a type of permitted abortion coverage.

FISCAL NOTE

H.B. 354 2nd Sub. (Gray)

SHORT TITLE: Insurance Amendments Relating to Abortion

SPONSOR: Clark, D.

2011 GENERAL SESSION, STATE OF UTAH

STATE GOVERNMENT (UCA 36-12-13(2)(b))

Enactment of this bill may result in one-time costs of \$2,600 General Fund and \$1,700 Dedicated Credits for the Insurance Department to review adjusted policies for health benefit plans.

STATE BUDGET DETAIL TABLE

	FY 2011	FY 2012	FY 2013
Revenue	\$0	\$0	\$0
Expenditure:			
General Fund, One-Time	\$0	\$2,600	\$0
Dedicated Credits	\$0	\$1,700	\$0
Total Expenditure	\$0	\$4,300	\$0
Net Impact, All Funds (Rev.-Exp.)	\$0	(\$4,300)	\$0
Net Impact, General/Education Funds	\$0	(\$2,600)	\$0

LOCAL GOVERNMENTS (UCA 36-12-13(2)(c))

Enactment of this bill likely will not result in direct, measurable costs for local governments.

DIRECT EXPENDITURES BY UTAH RESIDENTS AND BUSINESSES (UCA 36-12-13(2)(d))

Enactment of this bill likely will not result in direct, measurable expenditures by Utah residents or businesses.