

1                   **INSURANCE AMENDMENTS RELATING TO ABORTION**

2                                   2011 GENERAL SESSION

3                                   STATE OF UTAH

4                                   **Chief Sponsor: Carl Wimmer**

5                                   Senate Sponsor: Margaret Dayton

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7                   **LONG TITLE**

8                   **General Description:**

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

12                   **Highlighted Provisions:**

13                   This bill:  
14                   ▶ defines the term, "permitted abortion coverage"; and  
15                   ▶ limits the type of abortion coverage that may be offered in a health benefit plan, on  
16 the state health insurance exchange, or on a federally mandated health insurance  
17 exchange.

18                   **Money Appropriated in this Bill:**

19                   None

20                   **Other Special Clauses:**

21                   This bill takes effect on January 1, 2012.

22                   **Utah Code Sections Affected:**

23                   ENACTS:

24                   **31A-22-726**, Utah Code Annotated 1953

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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.

49 **Section 2. Effective date.**

50 This bill takes effect on January 1, 2012.