

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  
P.O. BOX 145115 • SALT LAKE CITY, UTAH 84114-5115 • (801) 538-1035

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: \_\_\_\_\_

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**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

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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.

# 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.