

Representative Carl Wimmer proposes the following substitute bill:

INSURANCE AMENDMENTS RELATING TO ABORTION

2011 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Carl Wimmer

Senate Sponsor: Margaret Dayton

LONG TITLE

General Description:

This bill amends provisions of the Insurance Code to prohibit a person from offering a health benefit plan in a health insurance exchange that is created, owned, or sponsored by a government entity if the health benefit plan provides coverage for an abortion other than an abortion necessary to protect the life or health of a woman.

Highlighted Provisions:

This bill:

▶ prohibits a person from offering a health benefit plan in a health insurance exchange that is created, owned, or sponsored by a government entity, including a health insurance exchange created under Title 63M, Chapter 1, Part 25, Health System Reform Act, or pursuant to the federal Patient Protection and Affordable Care Act, 111 P.L. 148, if the health benefit plan provides coverage for an abortion, unless:

- the abortion is necessary to avert the death of the woman on whom the abortion is performed or a serious risk of substantial and irreversible impairment of a major bodily function of the woman on whom the abortion is performed;
- the abortion is of a fetus with a diagnosable, lethal fetal defect; or
- the woman obtaining the abortion is pregnant as a result of rape or incest.

Money Appropriated in this Bill:



26 None

27 **Other Special Clauses:**

28 None

29 **Utah Code Sections Affected:**

30 ENACTS:

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



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

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

35 **31A-22-726. Abortion coverage restriction on health insurance exchange.**

36 A person may not offer in a health insurance exchange, including a health insurance
37 exchange created under Title 63M, Chapter 1, Part 25, Health System Reform Act, or pursuant
38 to the federal Patient Protection and Affordable Care Act, 111 P.L. 148, a health benefit plan in
39 this state that provides coverage for an abortion, except for an abortion:

40 (1) that is necessary to avert:

41 (a) the death of the woman on whom the abortion is performed; or

42 (b) a serious risk of substantial and irreversible impairment of a major bodily function
43 of the woman on whom the abortion is performed;

44 (2) of a fetus that has a defect that is documented by a physician or physicians to be
45 uniformly diagnosable and uniformly lethal; or

46 (3) where:

47 (a) the woman is pregnant as a result of:

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

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

50 (iii) incest, as described in Subsection 76-5-406(10) or Section 76-7-102; and

51 (b) before the abortion is performed, the physician who performs the abortion:

52 (i) verifies that the incident described in Subsection (3)(a) has been reported to law
53 enforcement; and

54 (ii) complies with the requirements of Section 62A-4a-403.

FISCAL NOTE

H.B. 354 1st Sub. (Buff)

SHORT TITLE: Insurance Amendments Relating to Abortion

SPONSOR: Wimmer, C.

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.