

1 ENGROSSED SENATE AMENDMENT
TO

2 ENGROSSED HOUSE
BILL NO. 3290

By: McNeil, Reynolds, Kern,
Ownbey and Faught of the
House

and

Sykes of the Senate

8 An Act relating to public health and safety; defining
9 certain terms; prohibiting the provision of RU-486
10 under certain circumstances; requiring certain
11 physicians to perform certain actions in specified
12 circumstances;*****repealing Section 7, Chapter 36,
13 O.S.L. 2008 (63 O.S. Supp. 2009, Section 1-729),
14 which relates to regulation of RU-486; providing for
15 codification; and declaring an emergency.

14 AUTHORS: Add the following Senate Coauthors: Jolley,
15 Newberry, Brown, Brogdon, Reynolds, Barrington,
16 Crain, Stanislawski, Lamb, Coffee, Justice and Ford

16 AUTHOR: Add the following House Coauthor: Pittman

17 AMENDMENT NO.1 Strike the title, enacting clause, and entire
18 bill and insert

19 "An Act related to abortions; clarifying scope of act;
20 prohibiting certain coverage; providing for
21 exceptions; defining term; providing for the
22 provision of certain coverage; prohibiting certain
23 discount; requiring certain entities to provide an
24 option to choose or reject certain coverage;
repealing Section 12, Chapter 161, O.S.L. 2007 (63
O.S. Supp. 2009, Section 1-741.2, which relates to
coverage for abortions; providing for codification;
and declaring an emergency.

1 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

2 SECTION 1. NEW LAW A new section of law to be codified
3 in the Oklahoma Statutes as Section 1-741.3 of Title 63, unless
4 there is created a duplication in numbering, reads as follows:

5 A. Pursuant to Section 1303(a)(1), as amended by Section
6 10104(c) of the Patient Protection and Affordable Care Act, P.L.
7 111-148, all qualified health plans offered through the state
8 Exchange are prohibited from including elective abortion coverage.
9 Nothing in this section shall be construed as preventing anyone from
10 purchasing optional supplemental coverage for elective abortions for
11 which there must be paid a separate premium in accordance with
12 subsection D of this act in the health insurance market outside of
13 the state Exchange.

14 B. No health plan, including health insurance contracts, plans
15 or policies, offered outside of the state Exchange, but within the
16 state, shall provide coverage for elective abortions except by
17 optional separate supplemental coverage for abortion for which there
18 must be paid a separate premium in accordance with subsection D of
19 this act.

20 C. For purposes of this section, an "elective abortion" means
21 an abortion for any reason other than any of the following:

22 1. An abortion to prevent the death of the mother; provided,
23 however, that an abortion may not be deemed one to prevent the death
24

1 of the mother based on a claim or diagnosis that she will engage in
2 conduct which will result in her death;

3 2. An abortion when the pregnancy is the result of rape as
4 specified in paragraphs 2, 3, 4, 5, 6 and 7 of subsection A and
5 subsection B of Section 1111 of Title 21 of the Oklahoma Statutes,
6 and the incident is reported within forty-eight (48) hours after the
7 incident occurs to a valid law enforcement agency for investigation;
8 provided, however, if the victim is physically unable to report the
9 rape during any portion of that forty-eight (48) hours, the incident
10 shall be reported within forty-eight (48) hours after the victim
11 becomes physically able to report the rape; or

12 3. The pregnancy is the result of incest, as specified in
13 Section 885 of Title 21 of the Oklahoma Statutes, in which the
14 mother is a minor and the incident and relative are reported to a
15 valid law enforcement agency prior to the abortion.

16 D. The issuer of any health plan providing elective abortion
17 coverage shall:

18 1. Calculate the premium for such coverage so that it fully
19 covers the estimated cost of covering elective abortions per
20 enrollee as determined on an average actuarial basis. In
21 calculating such premium, the issuer of the plan shall not take into
22 account any cost reduction in any health plan covering an enrollee
23 estimated to result from the provision of abortion coverage,
24 including prenatal care, delivery or postnatal care;

1 2. If the enrollee is enrolling in a health plan providing any
2 other coverage at the same time as the enrollee is enrolling in a
3 plan providing elective abortion coverage, require a separate
4 signature, distinct from that to enroll in the health plan providing
5 other coverage, in order to enroll in the separate supplemental plan
6 providing elective abortion coverage;

7 3. Provide a notice to enrollees at the time of enrollment
8 that:

9 a. specifically states the cost of the separate premium
10 for coverage of elective abortions distinct and apart
11 from the cost of the premium for any health plan
12 providing any other coverage in any health plan
13 covering an enrollee,

14 b. states that enrollment in elective abortion coverage
15 is optional, and

16 c. if the enrollee is enrolling in a health plan
17 providing any other coverage at the same time as the
18 enrollee is enrolling in a plan providing elective
19 abortion coverage, states that the enrollee may choose
20 to enroll in the plan providing other coverage without
21 enrolling in the plan providing elective abortion
22 coverage.

23 E. The issuer of any health plan providing any coverage other
24 than elective abortion shall not discount or reduce the premium for

1 such coverage on the basis that an enrollee has elective abortion
2 coverage.

3 F. Any employer who offers employees a health plan providing
4 elective abortion coverage shall, at the time of beginning
5 employment and at least once in each calendar year thereafter,
6 provide each employee the option to choose or reject elective
7 abortion coverage.

8 G. Any entity offering a group health plan providing elective
9 abortion coverage, other than employers offering such a plan to
10 their employees, shall, at the time each group member begins such
11 coverage and at least once in each calendar year thereafter, provide
12 each group member the option to choose or reject elective abortion
13 coverage.

14 H. Nothing in this section shall be construed to apply in
15 circumstances in which federal law preempts state health insurance
16 regulation.

17 SECTION 2. REPEALER Section 12, Chapter 161, O.S.L. 2007
18 (63 O.S. Supp. 2009, Section 1-741.2), is hereby repealed.

19 SECTION 3. It being immediately necessary for the preservation
20 of the public peace, health and safety, an emergency is hereby
21 declared to exist, by reason whereof this act shall take effect and
22 be in full force from and after its passage and approval."
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1 Passed the Senate the 19th day of April, 2010.

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3 _____
4 Presiding Officer of the Senate

5 Passed the House of Representatives the ____ day of _____,
6 2010.

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8 _____
9 Presiding Officer of the House
10 of Representatives