

1 STATE OF OKLAHOMA

2 2nd Session of the 52nd Legislature (2010)

3 CONFERENCE COMMITTEE
4 SUBSTITUTE
5 FOR ENGROSSED
6 HOUSE BILL NO. 3290

By: Mc Niel, Reynolds, Kern,
Ownbey, Faught and Pittman
of the House

7 and

8 Sykes, Jolley, Newberry,
9 Brown, Brogdon, Reynolds,
10 Barrington, Crain,
11 Stanislowski, Lamb, Coffee,
12 Justice and Ford of the
13 Senate

14 CONFERENCE COMMITTEE SUBSTITUTE

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

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

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

1 A. Pursuant to Section 1303(a)(1), as amended by Section
2 10104(c) of the Patient Protection and Affordable Care Act, P.L.
3 111-148, all qualified health plans offered through the state
4 Exchange are prohibited from including elective abortion coverage.
5 Nothing in this section shall be construed as preventing anyone from
6 purchasing optional supplemental coverage for elective abortions for
7 which there must be paid a separate premium in accordance with
8 subsection D of this act in the health insurance market outside of
9 the state Exchange.

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

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

18 1. An abortion to prevent the death of the mother; provided,
19 however, that an abortion may not be deemed one to prevent the death
20 of the mother based on a claim or diagnosis that she will engage in
21 conduct which will result in her death;

22 2. An abortion when the pregnancy is the result of rape as
23 specified in paragraphs 2, 3, 4, 5, 6 and 7 of subsection A and
24 subsection B of Section 1111 of Title 21 of the Oklahoma Statutes,

1 and the incident is reported within forty-eight (48) hours after the
2 incident occurs to a valid law enforcement agency for investigation;
3 provided, however, if the victim is physically unable to report the
4 rape during any portion of that forty-eight (48) hours, the incident
5 shall be reported within forty-eight (48) hours after the victim
6 becomes physically able to report the rape; or

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

11 D. The issuer of any health plan providing elective abortion
12 coverage shall:

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

20 2. If the enrollee is enrolling in a health plan providing any
21 other coverage at the same time as the enrollee is enrolling in a
22 plan providing elective abortion coverage, require a separate
23 signature, distinct from that to enroll in the health plan providing
24

1 other coverage, in order to enroll in the separate supplemental plan
2 providing elective abortion coverage;

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

5 a. specifically states the cost of the separate premium
6 for coverage of elective abortions distinct and apart
7 from the cost of the premium for any health plan
8 providing any other coverage in any health plan
9 covering an enrollee,

10 b. states that enrollment in elective abortion coverage
11 is optional, and

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

19 E. The issuer of any health plan providing any coverage other
20 than elective abortion shall not discount or reduce the premium for
21 such coverage on the basis that an enrollee has elective abortion
22 coverage.

23 F. Any employer who offers employees a health plan providing
24 elective abortion coverage shall, at the time of beginning

1 employment and at least once in each calendar year thereafter,
2 provide each employee the option to choose or reject elective
3 abortion coverage.

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

10 H. Nothing in this section shall be construed to apply in
11 circumstances in which federal law preempts state health insurance
12 regulation.

13 SECTION 2. REPEALER Section 12, Chapter 161, O.S.L. 2007
14 (63 O.S. Supp. 2009, Section 1-741.2), is hereby repealed.

15 SECTION 3. This act shall become effective November 1, 2010.

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17 52-2-10797 AM 05/05/10

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