

1 **SENATE FLOOR VERSION**

2 February 28, 2011

3 SENATE BILL NO. 547

By: Sykes of the Senate

4 and

5 Ritze of the House

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7
8 An Act relating to elective abortion coverage;
9 prohibiting certain coverage; providing for
10 exceptions; defining term; providing for the
11 provision of certain coverage; prohibiting certain
12 discount; requiring certain entities to provide an
13 option to choose or reject certain coverage;
14 clarifying scope of act; repealing Section 12,
15 Chapter 161, O.S.L. 2007 (63 O.S. Supp. 2010, Section
16 1-741.2), which relates to coverage for abortions;
17 providing for codification; and providing an
18 effective date.

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

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

23 A. Pursuant to the Patient Protection and Affordable Care Act,
24 P.L. 111-148, all qualified health plans offered through an Exchange
established in the state are prohibited from including elective
abortion coverage. Nothing in this section shall be construed as
preventing anyone from purchasing optional supplemental coverage for

1 elective abortions for which there must be paid a separate premium
2 in accordance with subsection D of this section in the health
3 insurance market outside of the Exchange.

4 B. No health plan, including health insurance contracts, plans
5 or policies, offered outside of an Exchange, but within the state,
6 shall provide coverage for elective abortions except by optional
7 separate supplemental coverage for abortion for which there must be
8 paid a separate premium in accordance with subsection D of this
9 section.

10 C. For purposes of this section, "elective abortion" means an
11 abortion for any reason other than to prevent the death of the
12 mother upon whom the abortion is performed; provided, however, that
13 an abortion may not be deemed one to prevent the death of the mother
14 based on a claim or diagnosis that she will engage in conduct which
15 will result in her death.

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; and

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 the separate
7 supplemental elective abortion coverage.

8 G. Any entity offering a group health plan providing separate
9 supplemental elective abortion coverage, other than employers
10 offering such a plan to their employees, shall, at the time each
11 group member begins coverage and at least once in each calendar year
12 thereafter, provide each group member the option to choose or reject
13 the separate supplemental elective abortion 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. 2010, Section 1-741.2), is hereby repealed.

19 SECTION 3. This act shall become effective November 1, 2011.

20 COMMITTEE REPORT BY: COMMITTEE ON RETIREMENT & INSURANCE, dated
21 2-24-11 - DO PASS, As Coauthored.

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