

Amendment No.

CHAMBER ACTION

Senate

House

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1 Representative Gaetz offered the following:

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3 **Amendment (with title amendment)**

4 Between lines 72 and 73, insert:

5 Section 5. Health insurance coverage of elective abortions  
6 prohibited.-

7 (1) The Legislature finds that:

8 (a) Federal funding for insurance plans that cover  
9 abortions is prohibited by the Hyde Amendment and the Federal  
10 Employee Health Benefits Program (FEHBP).

11 (b) Congress enacted and the President of the United  
12 States signed into law the Patient Protection and Affordable  
13 Care Act of 2010, P.L. 111-148.

14 (c) In the Patient Protection and Affordable Care Act of  
15 2010, P.L. 111-148, states are explicitly permitted to pass laws

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16 prohibiting qualified health plans offered through an exchange  
17 in their state from offering abortion coverage.

18 (d) The decision not to fund abortion places no  
19 governmental obstacle in the path of a woman who chooses to  
20 terminate her pregnancy (Rust v. Sullivan, 500 U.S. 173, 201  
21 (1991)).

22 (2) As used in this section, the term:

23 (a) "Elective abortion" means an abortion for any reason  
24 other than to preserve the life of the mother when her life is  
25 endangered by a physical disorder, physical illness, or physical  
26 injury, including, but not limited to, a life-endangering  
27 physical condition caused by or arising from the pregnancy  
28 itself.

29 (b) "Health insurance coverage" or "coverage" means  
30 benefits consisting of medical care provided or arranged for  
31 directly, through insurance or reimbursement, or otherwise, and  
32 includes health care services paid for under any plan, policy,  
33 or certificate of insurance.

34 (c) "Health insurance issuer" means any entity that offers  
35 health insurance coverage through a policy or certificate of  
36 insurance subject to state law that regulates the business of  
37 insurance.

38 (3) (a) Any health insurance issuer, hospital, health or  
39 medical expense insurance policy, hospital or medical service  
40 contract, employee welfare benefit plan, health and accident  
41 insurance policy, or any other insurance contract of such type  
42 that is regulated by the Department of Financial Services,  
43 including, but not limited to, a group insurance plan, and a

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44 self-insurance plan, that delivers or issues for delivery  
45 policies or contracts for health insurance coverage in this  
46 state may not include benefits payable for elective abortions.

47 (b) On or after the effective date of this section,  
48 paragraph (a) shall apply to any new policy, contract, program,  
49 or plan issued, which shall be converted to conform to the  
50 provisions of this section on or before the renewal date of such  
51 policy, contract, program, or plan.

52 (c) Based on the findings in subsection (1), it is the  
53 purpose of this section to affirmatively opt out of allowing  
54 qualified health plans that cover abortions within this state.

55 (4) Nothing in this section shall be construed or implied  
56 to recognize any independent right to abortion under the  
57 constitution or laws of this state.

58 (5) If any provision or item of this section, or the  
59 application thereof, is held invalid, such invalidity shall not  
60 affect other provisions, items, or applications of the section  
61 which can be given effect without the invalid provision, item,  
62 or application and to this end the provisions of this section  
63 are hereby declared severable.

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**T I T L E   A M E N D M E N T**

Remove line 14 and insert:  
under a group life insurance policy; providing legislative  
findings; providing definitions; prohibiting certain  
entities, policies, contracts, or plans from including

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72 benefits payable for elective abortions; providing  
73 application; providing a purpose; providing construction;  
74 providing severability; providing an