

Amendment No.

CHAMBER ACTION

Senate

House

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1 Representatives Gaetz, Dorworth and Plakon offered the
2 following:

3
4 **Amendment (with title amendment)**

5 Remove line 72 and insert:

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

8 (1) The Legislature finds that:

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

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

15 (c) In the Patient Protection and Affordable Care Act of
16 2010, P.L. 111-148, states are explicitly permitted to pass laws

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

19 (d) The decision not to fund abortion places no
20 governmental obstacle in the path of a woman who chooses to
21 terminate her pregnancy (Rust v. Sullivan, 500 U.S. 173, 201
22 (1991)).

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

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

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

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

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

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

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

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

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

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

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67

T I T L E A M E N D M E N T

69 Remove line 14 and insert:

70 under a group life insurance policy; providing legislative
71 findings; providing definitions; prohibiting certain entities,
72 policies, contracts, or plans from including benefits payable
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73 for elective abortions; providing application; providing a
74 purpose; providing construction; providing severability;
75 providing an