

1 SB202
2 126718-1
3 By Senators Reed, Beason and Allen
4 RFD: Health
5 First Read: 10-MAR-11

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8 SYNOPSIS: Currently, the new federal health care
9 reform law requires individual states to operate
10 and maintain "health insurance exchanges." Health
11 insurance plans offering abortion coverage are
12 allowed to participate in a state's exchange and to
13 receive federal subsidies unless the Legislature
14 affirmatively opts out of offering these plans.

15 This bill would specifically provide that
16 the State of Alabama affirmatively opts out of
17 allowing abortion coverage by exchange
18 participating health plans.

19
20 A BILL
21 TO BE ENTITLED
22 AN ACT
23

24 Relating to abortions; to specifically provide that
25 the State of Alabama affirmatively opts out of allowing
26 abortion coverage by exchange participating health plans.

27 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

1 Section 1. This act shall be known as the "Federal
2 Abortion Mandate Opt Out Act."

3 Section 2. (a) The Legislature of the State of
4 Alabama finds all of the following:

5 (1) Under the Patient Protection and Affordable Care
6 Act, P.L. 111-148, federal tax dollars, via affordability
7 credits, subsidies provided to individuals between 150-400
8 percent of the federal poverty level, are routed to exchange
9 participating health insurance plans, including plans that
10 provide coverage for abortions.

11 (2) Federal funding of insurance plans that provide
12 abortions is an unprecedented change in federal abortion
13 funding policy. The Hyde Amendment, as passed each year in the
14 Labor Health and Human Services Appropriations bill, and the
15 Federal Employee Health Benefits Program, FEHBP, prohibit
16 federal funds from subsidizing health insurance plans that
17 provide abortions. Under this new law, however, exchange
18 participating health insurance plans that provide abortions
19 can receive federal funds.

20 (3) The provision of federal funding for health
21 insurance plans that provide abortion coverage is nothing
22 short of taxpayer funded and government endorsed abortion.

23 (4) However, P.L. 111-148 allows a state to "opt
24 out" of permitting health insurance plans that cover abortions
25 to participate in the exchanges within that state and thereby
26 prohibit taxpayer money from subsidizing plans that cover
27 abortions within that state.

1 (5) The decision not to fund abortions places no
2 governmental obstacle in the path of a woman who chooses to
3 terminate her pregnancy.

4 (6) Moreover, it is permissible for a state to
5 engage in unequal subsidization of abortions and other medical
6 services to encourage alternative activity deemed in the
7 public interest.

8 (7) Citizens of the State of Alabama, like other
9 Americans, oppose the use of public funds, both federal and
10 state, to pay for abortions. For example, a January 2010
11 Quinnipiac poll showed that 7 in 10 Americans were opposed to
12 provisions in federal health care reform that use federal
13 funds to pay for abortions and abortion coverage.

14 (8) The Guttmacher Institute, which advocates for
15 unfettered and taxpayer-funded access to abortion, confirms
16 that, based on Medicaid studies, more women have abortions
17 when it is covered by private or public insurance programs.

18 (b) Based on the findings in subsection (a), it is
19 the purpose of this act to affirmatively opt out of allowing
20 qualified health plans that cover abortions to participate in
21 exchanges within the State of Alabama.

22 Section 3. (a) No abortion coverage may be provided
23 by a qualified health plan offered through an exchange created
24 pursuant to P.L. 111-148 within the State of Alabama.

25 (b) This prohibition shall not apply to an abortion
26 performed when the life of the mother is endangered by a
27 physical disorder, physical illness, or physical injury,

1 including a life-endangering physical condition caused by or
2 arising from the pregnancy itself, or when the pregnancy is
3 the result of an act of rape or incest.

4 Section 4. (a) Nothing in this act shall be
5 construed as creating or recognizing a right to abortion.

6 (b) It is not the intention of this act to make
7 lawful an abortion that is currently unlawful.

8 Section 5. This act shall become effective on the
9 first day of the third month following its passage and
10 approval by the Governor, or its otherwise becoming law.