

1 SB281
2 126744-2
3 By Senators McGill, Reed, Bedford, Waggoner, Brewbaker and
4 Glover
5 RFD: Health
6 First Read: 24-MAR-11

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4 ENGROSSED

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7 A BILL
8 TO BE ENTITLED
9 AN ACT

10
11 Relating to abortion; to prohibit health insurance
12 coverage of elective abortions in Alabama with exceptions.

13 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

14 Section 1. This act shall be known as the "Abortion
15 Coverage Prohibition Act."

16 Section 2. (a) The Legislature of Alabama finds all
17 of the following:

18 (1) According to the Alan Guttmacher Institute, 87
19 percent of typical employer-based insurance policies issued in
20 2002 covered medically necessary or appropriate abortions.
21 Thus, the vast majority of private health insurance plans,
22 often unbeknownst to employers and consumers, covered elective
23 abortions.

24 (2) Private insurance contracts, plans, and policies
25 often offer optional abortion coverage through the purchase of
26 a separate rider if it is purchased six months before the date
27 the abortion is to be performed.

1 (b) It is the intent of the Legislature that private
2 health insurance contracts, plans, and policies offered in
3 Alabama shall only offer abortion coverage through the
4 purchase, by an individual policyholder, of a separate rider
5 and through the payment of an additional premium for such
6 coverage.

7 Section 3. (a) For purposes of this section, an
8 "elective abortion" means an abortion for any reason other
9 than a spontaneous abortion or to prevent the death of the
10 female upon whom the abortion is performed.

11 (b) No health insurance contract, plan, or policy
12 delivered or issued for delivery in Alabama shall provide
13 coverage for elective abortions except by an optional rider
14 for which there must be paid an additional premium.

15 (c) This section shall be applicable to all
16 contracts, plans, or policies subject to the laws of Alabama
17 regarding all of the following:

18 (1) Health insurers.

19 (2) Nonprofit hospital, medical, surgical, dental,
20 and health service corporations.

21 (3) Group and blanket health insurers.

22 (4) Health maintenance organizations.

23 (5) Provisions of medical, hospital, surgical, and
24 funeral benefits and of coverage against accidental death or
25 injury, when such benefits or coverage are incidental to or
26 part of other insurance.

1 (6) Employers who provide health insurance for
2 employees on a self-insured basis.

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

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

7 Section 5. The Legislature, by joint resolution, may
8 appoint one or more of its members, who sponsored or
9 cosponsored this act in his or her official capacity, to
10 intervene as a matter of right in any case in which the
11 constitutionality of this act or any portion thereof is
12 challenged.

13 Section 6. Any provision of this act held to be
14 invalid or unenforceable by its terms, or as applied to any
15 person or circumstance, shall be construed so as to give it
16 the maximum effect permitted by law, unless such holding shall
17 be one of utter invalidity or unenforceability, in which event
18 such provision shall be deemed severable herefrom and shall
19 not affect the remainder hereof or the application of such
20 provision to other persons not similarly situated or to other,
21 dissimilar circumstances.

22 Section 7. This act shall become effective on the
23 first day of the third month following its passage and
24 approval by the Governor, or its otherwise becoming law.

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Senate

Read for the first time and referred to
the Senate committee on Health..... 24-MAR-11

Read for the second time and placed on
the calendar..... 14-APR-11

Read for the third time and passed as
amended 24-MAY-11

Yeas 25
Nays 7

Patrick Harris
Secretary