

1 SB10  
2 126718-2  
3 By Senator Reed  
4 RFD: Health  
5 First Read: 07-FEB-12  
6 PFD: 06/15/2011

1 SB10

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4 ENGROSSED

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7 A BILL  
8 TO BE ENTITLED  
9 AN ACT

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11 Relating to abortions; to specifically provide that  
12 the State of Alabama affirmatively opts out of allowing  
13 abortion coverage by exchange participating health plans.

14 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

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

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

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

25 (2) Federal funding of insurance plans that provide  
26 abortions is an unprecedented change in federal abortion

1 funding policy. The Hyde Amendment, as passed each year in the  
2 Labor Health and Human Services Appropriations bill, and the  
3 Federal Employee Health Benefits Program, FEHBP, prohibit  
4 federal funds from subsidizing health insurance plans that  
5 provide abortions. Under this new law, however, exchange  
6 participating health insurance plans that provide abortions  
7 can receive federal funds.

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

11 (4) However, P.L. 111-148 allows a state to "opt  
12 out" of permitting health insurance plans that cover abortions  
13 to participate in the exchanges within that state and thereby  
14 prohibit taxpayer money from subsidizing plans that cover  
15 abortions within that state.

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

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

23 (7) Citizens of the State of Alabama, like other  
24 Americans, oppose the use of public funds, both federal and  
25 state, to pay for abortions. For example, a January 2010  
26 Quinnipiac poll showed that 7 in 10 Americans were opposed to

1 provisions in federal health care reform that use federal  
2 funds to pay for abortions and abortion coverage.

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

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

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

14 (b) This prohibition shall not apply to an abortion  
15 performed when the life of the mother is endangered by a  
16 physical disorder, physical illness, or physical injury,  
17 including a life-endangering physical condition caused by or  
18 arising from the pregnancy itself, or when the pregnancy is  
19 the result of an act of rape or incest or any procedure to  
20 terminate an ectopic pregnancy.

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

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

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

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Senate

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| Read for the first time and referred to the Senate<br>committee on Health..... | 07-FEB-12 |
| Read for the second time and placed on the calen-<br>dar.....                  | 16-FEB-12 |
| Read for the third time and passed as amended ....                             | 24-APR-12 |

Yeas 30  
Nays 2

Patrick Harris  
Secretary