

1 SB321  
2 150097-1  
3 By Senator McGill  
4 RFD: Health  
5 First Read: 12-MAR-13

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8 SYNOPSIS: This bill would be known as the Abortion  
9 Coverage Prohibition Act.

10 This bill would prohibit health insurance  
11 coverage of elective abortions unless the insured  
12 has paid additional monies for a rider.

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14 A BILL  
15 TO BE ENTITLED  
16 AN ACT

17  
18 Relating to abortion; to prohibit health insurance  
19 coverage of elective abortions in Alabama with exceptions.

20 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

21 Section 1. This act shall be known as the "Abortion  
22 Coverage Prohibition Act."

23 Section 2. (a) The Legislature of Alabama finds all  
24 of the following:

25 (1) According to the Alan Guttmacher Institute, 87  
26 percent of typical employer-based insurance policies issued in  
27 2002 covered medically necessary or appropriate abortions.

1 Thus, the vast majority of private health insurance plans,  
2 often unbeknownst to employers and consumers, covered elective  
3 abortions.

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

8 (b) It is the intent of the Legislature that private  
9 health insurance contracts, plans, and policies offered in  
10 Alabama shall offer abortion coverage only through the  
11 purchase, by an individual policyholder, of a separate rider  
12 and through the payment of an additional premium for such  
13 coverage.

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

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

22 (c) This section shall be applicable to all  
23 contracts, plans, or policies subject to the laws of Alabama  
24 regarding all of the following:

25 (1) Health insurers.

26 (2) Nonprofit hospital, medical, surgical, dental,  
27 and health service corporations.

1 (3) Group and blanket health insurers.

2 (4) Health maintenance organizations.

3 (5) Provisions of medical, hospital, surgical, and  
4 funeral benefits and of coverage against accidental death or  
5 injury, when such benefits or coverage are incidental to or  
6 part of other insurance.

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

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

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

13 Section 5. The Legislature, by joint resolution, may  
14 appoint one or more of its members, who sponsored or  
15 cosponsored this act in his or her official capacity, to  
16 intervene as a matter of right in any case in which the  
17 constitutionality of this act or any portion thereof is  
18 challenged.

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

1                   Section 7. 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.