

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

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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.

13
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.

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

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

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

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

24 (1) Health insurers.

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

27 (3) Group and blanket health insurers.

1 (4) Health maintenance organizations.

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

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

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

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

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

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