

State of Arkansas

As Engrossed: H1/30/13

89th General Assembly

A Bill

Regular Session, 2013

HOUSE BILL 1100

By: Representatives B. Wilkins, Baird, J. Burris, Deffenbaugh, J. Dickinson, Farrer, Gossage, Harris,
Lenderman, Lowery, Magie, D. Meeks, Miller, Payton, Ratliff, Richey, T. Thompson, Wardlaw

By: Senator Bledsoe

For An Act To Be Entitled

AN ACT TO PROHIBIT HEALTH INSURANCE EXCHANGE POLICIES
FROM OFFERING COVERAGE FOR ABORTIONS EXCEPT THROUGH A
SEPARATE RIDER; AND FOR OTHER PURPOSES.

Subtitle

AN ACT TO PROHIBIT HEALTH INSURANCE
EXCHANGE POLICIES FROM OFFERING COVERAGE
FOR ABORTIONS EXCEPT THROUGH A SEPARATE
RIDER.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

SECTION 1. Arkansas Code Title 23, Chapter 79, Subchapter 1, is
amended to add an additional section to read as follows:

23-79-156. Health insurance exchange – Coverage of abortions
prohibited – Definitions – Findings.

(a) As used in this section:

(1) "Abortion" means the use or prescription of any instrument,
medicine, drug, or any other substance or device intentionally to terminate
the pregnancy of a woman known to be pregnant with an intention other than to
increase the probability of a live birth, to preserve the life or health of
the child after live birth, or to remove a dead unborn child who died as the
result of natural causes, accidental trauma, or a criminal assault on the
pregnant woman or her unborn child;

(2) "Elective abortion" means an abortion for any reason other



1 than:

2 (A)(i) To prevent the death of the mother upon whom the
3 abortion is performed.

4 (ii) However, an abortion shall not be deemed an
5 elective abortion to prevent the death of the mother based on a claim or
6 diagnosis that without the abortion the mother will engage in conduct that
7 will result in her death; or

8 (B) In a pregnancy resulting from rape or incest; and

9 (3) "Qualified health plan" means a health plan that meets the
10 requirements under 42 U.S.C. § 18021, as it existed on January 1, 2013.

11 (b) The General Assembly finds that:

12 (1) Congress enacted and the president signed into law the
13 Patient Protection and Affordable Care Act of 2010, Pub. L. No. 111-148; and

14 (2) In the Patient Protection and Affordable Care Act of 2010,
15 Pub. L. No. 111-148, states are explicitly permitted to pass laws prohibiting
16 qualified health plans offered through a health insurance exchange in their
17 this state from offering abortion coverage.

18 (c)(1) In accordance with the Patient Protection and Affordable Care
19 Act, Pub. L. No. 111-148, a qualified health plan offered through a health
20 insurance exchange established in this state shall not include elective
21 abortion coverage.

22 (2) This section does not prevent an individual from purchasing
23 optional supplemental coverage for elective abortions for which a separate
24 premium shall be paid in the health insurance market outside of the state
25 health insurance exchange as provided in subsection (d) of this section.

26 (d) An issuer of a health plan that offers optional supplemental
27 abortion coverage offered in the health insurance market outside of the state
28 health insurance exchange shall:

29 (1)(A) Calculate the premium for optional supplemental abortion
30 coverage so that the premium fully covers the estimated cost of an elective
31 abortion for an individual who enrolls for elective abortion coverage.

32 (B)(i) The insurer shall determine the premium required
33 under subdivision (d)(1)(A) of this section on an average actuarial basis.

34 (ii)(a) In making the calculation required under
35 subdivision (d)(1)(B)(i) of this section, the issuer shall not take into
36 account a cost reduction in a qualified health plan offered through a health

1 insurance exchange established in this state estimated to result from the
2 provision of abortion coverage that the insurer offers and that covers the
3 individual who enrolls for elective abortion coverage.

4 (b) As used in subdivision (d)(1)(B)(ii)(a) of
5 this section, cost reduction estimated to result from provision of abortion
6 coverage includes estimated cost reduction in prenatal care, delivery, and
7 postnatal care;

8 (2) Require that if an enrollee is enrolling in a health
9 insurance plan that provides coverage other than optional supplemental
10 abortion coverage, at the same time as the enrollee is enrolling, the
11 enrollee shall sign at the same time three (3) separate signatures:

12 (A) A signature for coverage for optional supplemental
13 abortion coverage;

14 (B) A signature for coverage other than for optional
15 supplemental abortion coverage; and

16 (C) A signature acknowledging that the enrollee has
17 received the cost of the separate premium; and

18 (3)(A) Provide at the time of enrollment a notice to enrollees
19 that specifically states the cost of the separate premium for coverage of
20 elective abortions.

21 (B) The notice required under subdivision (d)(3)(A) of
22 this section shall be distinct and apart from the notice of the cost of the
23 premium for the portion of the health plan that provides coverage other than
24 optional supplemental abortion coverage.

25 (e) An issuer of a health plan providing coverage offered through a
26 health insurance exchange established in this state that provides coverage
27 other than elective abortion coverage shall not discount or reduce the
28 premium for the coverage on the basis that an enrollee has elective abortion
29 coverage.

30 (f) This section does not apply in circumstances in which federal law
31 preempts state health insurance regulation.

32
33 */s/B. Wilkins*
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36 **APPROVED: 02/11/2013**