

State of Arizona
Senate
Forty-ninth Legislature
Second Regular Session
2010

SENATE BILL 1305

AN ACT

AMENDING TITLE 20, CHAPTER 1, ARTICLE 1, ARIZONA REVISED STATUTES, BY ADDING SECTION 20-121; AMENDING SECTION 35-196.02, ARIZONA REVISED STATUTES; RELATING TO COVERAGE FOR ABORTIONS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Title 20, chapter 1, article 1, Arizona Revised Statutes,
3 is amended by adding section 20-121, to read:

4 20-121. State health care exchange; abortion coverage;
5 prohibition; exceptions

6 A. CONSISTENT WITH THE PROVISIONS OF THE PATIENT PROTECTION AND
7 AFFORDABLE CARE ACT (P.L. 111-148), ANY QUALIFIED HEALTH INSURANCE POLICY,
8 CONTRACT OR PLAN OFFERED THROUGH ANY STATE HEALTH CARE EXCHANGE ESTABLISHED
9 IN THIS STATE SHALL NOT PROVIDE COVERAGE FOR ABORTIONS UNLESS THE COVERAGE IS
10 OFFERED AS A SEPARATE OPTIONAL RIDER FOR WHICH AN ADDITIONAL INSURANCE
11 PREMIUM IS CHARGED.

12 B. SUBSECTION A DOES NOT APPLY TO COVERAGE FOR ANY ABORTION THAT IS
13 NECESSARY TO EITHER:

14 1. SAVE THE LIFE OF THE WOMAN HAVING THE ABORTION.

15 2. AVERT SUBSTANTIAL AND IRREVERSIBLE IMPAIRMENT OF A MAJOR BODILY
16 FUNCTION OF THE WOMAN HAVING THE ABORTION.

17 Sec. 2. Section 35-196.02, Arizona Revised Statutes, is amended to
18 read:

19 35-196.02. Use of public funds or insurance for abortion
20 prohibited; exception

21 A. Notwithstanding any provisions of law to the contrary, no public
22 funds nor tax monies of this state or any political subdivision of this state
23 nor any federal funds passing through the state treasury or the treasury of
24 any political subdivision of this state may be expended for payment to any
25 person or entity for the performance of any abortion unless an abortion is
26 necessary to save the life of the woman having the abortion.

27 B. NOTWITHSTANDING ANY OTHER LAW, PUBLIC MONIES OR TAX MONIES OF THIS
28 STATE OR ANY POLITICAL SUBDIVISION OF THIS STATE SHALL NOT BE EXPENDED
29 DIRECTLY OR INDIRECTLY TO PAY THE COSTS, PREMIUMS OR CHARGES ASSOCIATED WITH
30 A HEALTH INSURANCE POLICY, CONTRACT OR PLAN THAT PROVIDES COVERAGE, BENEFITS
31 OR SERVICES RELATED TO THE PERFORMANCE OF ANY ABORTION UNLESS AN ABORTION IS
32 NECESSARY TO EITHER:

33 1. SAVE THE LIFE OF THE WOMAN HAVING THE ABORTION.

34 2. AVERT SUBSTANTIAL AND IRREVERSIBLE IMPAIRMENT OF A MAJOR BODILY
35 FUNCTION OF THE WOMAN HAVING THE ABORTION.

36 C. THIS SECTION DOES NOT PROHIBIT THE STATE FROM COMPLYING WITH THE
37 REQUIREMENTS OF FEDERAL LAW IN TITLE XIX AND TITLE XXI OF THE SOCIAL SECURITY
38 ACT.

39 Sec. 3. Interpretation

40 Nothing in this act shall be construed or implied to recognize any
41 independent right to abortion under the Constitution of Arizona or the laws
42 of this state, nor shall it be construed or implied to recognize the
43 constitutional validity of the patient protection and affordable care act
44 (P.L. 111-148).