



2011 SENATE BILL 92

May 10, 2011 – Introduced by Senators ZIPPERER, LEIBHAM, COWLES, GALLOWAY, HOPPER, KAPANKE, KEDZIE, LAZICH, MOULTON and WANGGAARD, cosponsored by Representatives VOS, JACQUE, BALLWEG, BROOKS, ENDSLEY, FARROW, HONADEL, KAPENGA, KERKMAN, KESTELL, KLEEFISCH, KOOYENGA, KUGLITSCH, LEMAHIEU, NASS, NYGREN, A. OTT, J. OTT, PETERSEN, PRIDEMORE, SEVERSON, SPANBAUER, STEINEKE, THIESFELDT, VAN ROY, WEININGER, WILLIAMS, WYNN and ZIEGELBAUER. Referred to Committee on Public Health, Human Services, and Revenue.

- 1 **AN ACT** *to create* 632.8985 of the statutes; **relating to:** prohibiting coverage of
2 abortions through health plans sold through exchanges.

Analysis by the Legislative Reference Bureau

Under the federal Patient Protection and Affordable Care Act (PPACA), which was enacted on March 23, 2010, each state must establish an American health benefit exchange (exchange) to assist individuals and certain businesses in purchasing health insurance. Health insurance offered through the exchange (known as a “qualified health plan” in PPACA) must meet certain federal requirements, including offering the essential health benefits package that is established by the federal Department of Health and Human Services. PPACA allows states to prohibit coverage of abortions by qualified health plans offered through the exchange.

Under current law, funds of the state, a local government, or a long-term care district and federal funds passing through the state treasury may not be paid to a physician or surgeon or a hospital, clinic, or other medical facility for the performance of an abortion. This funding prohibition does not apply in the following circumstances: 1) the abortion is directly and medically necessary to save the life of the woman and a physician so certifies; 2) the abortion is performed in the case of sexual assault or incest, a physician so certifies, and the sexual assault or incest is reported to law enforcement; and 3) due to a preexisting medical condition, the abortion is directly and medically necessary to prevent grave, long-lasting physical health damage to the woman and a physician so certifies.

This bill prohibits a qualified health plan offered through any exchange operating in this state from covering any abortion the performance of which is

