An Act

ENROLLED SENATE
BILL NO. 547

By: Sykes of the Senate

and

Johnson, Christian,
Reynolds, Kern, Faught,
Derby, Brumbaugh and
Peterson of the House

An Act relating to elective abortion coverage; prohibiting certain coverage; providing for exceptions; defining term; providing for the provision of certain coverage; prohibiting certain discount; requiring certain entities to provide an option to choose or reject certain coverage; clarifying scope of act; repealing Section 12, Chapter 161, O.S.L. 2007 (63 O.S. Supp. 2010, Section 1-741.2), which relates to coverage for abortions; providing for codification; and providing an effective date.

SUBJECT: Prohibiting elective abortion coverage in certain health plans

BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

SECTION 1. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 1-741.3 of Title 63, unless there is created a duplication in numbering, reads as follows:

A. Pursuant to the Patient Protection and Affordable Care Act, P.L. 111-148, all qualified health plans offered through an Exchange established in the state are prohibited from including elective

abortion coverage. Nothing in this section shall be construed as preventing anyone from purchasing optional supplemental coverage for elective abortions for which there must be paid a separate premium in accordance with subsection D of this section in the health insurance market outside of the Exchange.

B. No health plan, including health insurance contracts, plans or policies, offered outside of an Exchange, but within the state, shall provide coverage for elective abortions except by optional separate supplemental coverage for abortion for which there must be paid a separate premium in accordance with subsection D of this section.

C. For purposes of this section, "elective abortion" means an abortion for any reason other than to prevent the death of the mother upon whom the abortion is performed; provided, however, that an abortion may not be deemed one to prevent the death of the mother based on a claim or diagnosis that she will engage in conduct which will result in her death.

D. The issuer of any health plan providing elective abortion coverage shall:

1. Calculate the premium for such coverage so that it fully covers the estimated cost of covering elective abortions per enrollee as determined on an average actuarial basis. In calculating such premium, the issuer of the plan shall not take into account any cost reduction in any health plan covering an enrollee estimated to result from the provision of abortion coverage, including prenatal care, delivery or postnatal care;

2. If the enrollee is enrolling in a health plan providing any other coverage at the same time as the enrollee is enrolling in a plan providing elective abortion coverage, require a separate signature, distinct from that to enroll in the health plan providing other coverage, in order to enroll in the separate supplemental plan providing elective abortion coverage; and

3. Provide a notice to enrollees at the time of enrollment that:

a. specifically states the cost of the separate premium for coverage of elective abortions distinct and apart from the cost of the premium for any health plan providing any other coverage in any health plan covering an enrollee,

b. states that enrollment in elective abortion coverage is optional, and

c. if the enrollee is enrolling in a health plan providing any other coverage at the same time as the enrollee is enrolling in a plan providing elective abortion coverage, states that the enrollee may choose to enroll in the plan providing other coverage without enrolling in the plan providing elective abortion coverage.

E. The issuer of any health plan providing any coverage other than elective abortion shall not discount or reduce the premium for such coverage on the basis that an enrollee has elective abortion coverage.

F. Any employer who offers employees a health plan providing elective abortion coverage shall, at the time of beginning employment and at least once in each calendar year thereafter, provide each employee the option to choose or reject the separate supplemental elective abortion coverage.

G. Any entity offering a group health plan providing separate supplemental elective abortion coverage, other than employers offering such a plan to their employees, shall, at the time each group member begins coverage and at least once in each calendar year thereafter, provide each group member the option to choose or reject the separate supplemental elective abortion coverage.

H. Nothing in this section shall be construed to apply in circumstances in which federal law preempts state health insurance regulation.

SECTION 2. REPEALER Section 12, Chapter 161, O.S.L. 2007 (63 O.S. Supp. 2010, Section 1-741.2), is hereby repealed.

SECTION 3. This act shall become effective November 1, 2011.

Passed the Senate the 8th day of March, 2011.

Presiding Officer of the Senate

Passed the House of Representatives the 13th day of April, 2011.

Presiding Officer of the House of Representatives

OFFICE OF THE GOVERNOR

Received by the Governor this 14th

day of April, **20** 11,

at 1:36 **o'clock** P. **M.**

By: Jessica R. Rogers

Approved by the Governor of the State of Oklahoma the 20th **day of** April, **20** 11, **at** 3:38 **o'clock** P. **M.**

Governor of the State of Oklahoma

OFFICE OF THE SECRETARY OF STATE

Received by the Secretary of State this 20th **day of** April, **20** 11,

at 3:43 **o'clock** P **M.**

By: