

SENATE BILL No. 241

DIGEST OF INTRODUCED BILL

Citations Affected: IC 27-8-33; IC 27-13-44.

Synopsis: Coverage of elective abortions. Prohibits a policy of accident and sickness insurance or an individual or group contract from providing coverage for an elective abortion. Allows an insurer or health maintenance organization to offer coverage of an elective abortion only if the coverage is offered in a separate rider or endorsement. Sets forth requirements of the rider or endorsement for elective abortions.

Effective: July 1, 2011.

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January 6, 2011, read first time and referred to Committee on Health and Provider Services.

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First Regular Session 117th General Assembly (2011)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2010 Regular Session of the General Assembly.

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SENATE BILL No. 241



A BILL FOR AN ACT to amend the Indiana Code concerning insurance.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 27-8-33 IS ADDED TO THE INDIANA CODE AS
2 A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY
3 1, 2011]:

4 **Chapter 33. Coverage of Elective Abortions**
5 **Sec. 1. As used in this chapter, "elective abortion" means the**
6 **termination of human pregnancy with an intention other than to**
7 **produce a live birth or to remove a dead fetus. The term does not**
8 **include an abortion that is performed by a physician licensed**
9 **under IC 25-22.5 who has determined that the abortion is**
10 **necessary to prevent the death of the pregnant woman.**

11 **Sec. 2. As used in this chapter, "insured" means an individual**
12 **who is entitled to coverage under a policy of accident and sickness**
13 **insurance.**

14 **Sec. 3. As used in this chapter, "insurer" refers to an insurer (as**
15 **defined in IC 27-1-2-3) that issues a policy of accident and sickness**
16 **insurance.**

17 **Sec. 4. As used in this chapter, "policy of accident and sickness**



1 insurance" has the meaning set forth in IC 27-8-5-1.

2 Sec. 5. A policy of accident and sickness insurance offered in
3 Indiana may not provide coverage for an elective abortion.

4 Sec. 6. An insurer may offer coverage for an elective abortion
5 only in a separate rider or endorsement that is paid with a separate
6 premium from a policy of accident and sickness insurance.

7 Sec. 7. (a) An insurer that offers a rider or endorsement for
8 elective abortions shall meet the following requirements:

9 (1) Calculate the premium for the rider or endorsement for
10 elective abortions to cover the estimated cost per insured for
11 an elective abortion, based on an average actuarial basis, and
12 not include consideration of any cost reduction in another
13 policy held by the insured for prenatal care, delivery, or
14 postnatal care.

15 (2) Require a signature for the rider or endorsement for
16 elective abortion that is separate from any signature required
17 for a policy of accident and sickness insurance.

18 (3) Provide notice to the insured at the time of purchase of the
19 rider or endorsement that includes the following:

20 (A) The specific cost of the rider or endorsement for
21 elective abortions that is separate from the cost of any
22 other policy of accident and sickness.

23 (B) A statement that purchase of the rider or endorsement
24 is optional.

25 (C) If the insured is purchasing a policy of accident and
26 sickness insurance at the same time as the rider or
27 endorsement for elective abortions, a statement that the
28 insured may choose to purchase the policy of accident and
29 sickness insurance without purchasing the rider or
30 endorsement for elective abortions.

31 (b) The insurer may not offer an insured a reduction in the
32 premium for a policy of accident and sickness insurance on the
33 basis that the insured has purchased a rider or endorsement for
34 elective abortions.

35 Sec. 8. (a) An employer that offers an employee a rider or
36 endorsement for elective abortions coverage shall, at the time of
37 the employee's employment and at least one (1) time per year
38 thereafter, offer the employee the option to refuse to purchase the
39 rider or endorsement for elective abortions coverage.

40 (b) A person other than an employer under subsection (a) that
41 offers to an individual the purchase of a rider or endorsement for
42 elective abortions coverage shall at the time the individual

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1 purchases the coverage, and at least one (1) time per year
2 thereafter, offer the individual the option of refusing to purchase
3 the rider or endorsement for elective abortions.

4 SECTION 2. IC 27-13-44 IS ADDED TO THE INDIANA CODE
5 AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE
6 JULY 1, 2011]:

7 Chapter 44. Coverage of Elective Abortions

8 Sec. 1. As used in this chapter, "elective abortion" means the
9 termination of human pregnancy with an intention other than to
10 produce a live birth or to remove a dead fetus. The term does not
11 include an abortion that is performed by a physician licensed
12 under IC 25-22.5 who has determined that the abortion is
13 necessary to prevent the death of the pregnant woman.

14 Sec. 2. An individual contract or a group contract may not
15 provide coverage for an elective abortion.

16 Sec. 3. A health maintenance organization may offer coverage
17 for an elective abortion only in a separate rider or endorsement
18 that is paid with a separate premium from an individual contract
19 or group contract.

20 Sec. 4. A health maintenance organization that offers a rider or
21 endorsement for elective abortions shall meet the following
22 requirements:

23 (1) Calculate the premium for the rider or endorsement for
24 elective abortions to cover the estimated cost per enrollee for
25 an elective abortion, based on an average actuarial basis, and
26 not include consideration of any cost reduction in another
27 individual contract or group contract held by the enrollee for
28 prenatal care, delivery, or postnatal care.

29 (2) Require a signature for the rider or endorsement for
30 elective abortion that is separate from any signature required
31 for an individual contract or group contract.

32 (3) Provide notice to the enrollee at the time of enrollment in
33 the rider or endorsement that includes the following:

34 (A) The specific cost of the rider or endorsement for
35 elective abortions that is separate from the cost of any
36 other individual contract or group contract.

37 (B) A statement that enrollment in the rider or
38 endorsement is optional.

39 (C) If the enrollee is enrolling in an individual contract or
40 group contract at the same time as the rider or
41 endorsement for elective abortions, a statement that the
42 enrollee may choose to enroll in the individual contract or

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1 group contract without enrolling in the rider or
2 endorsement for elective abortions.

3 (b) The health maintenance organization may not offer an
4 enrollee a reduction in the premium for an individual contract or
5 group contract on the basis that the enrollee has enrolled in a rider
6 or endorsement for elective abortions.

7 Sec. 8. (a) An employer that offers an employee a rider or
8 endorsement for elective abortions coverage shall, at the time of
9 the employee's employment and at least one (1) time per year
10 thereafter, offer the employee the option to refuse to enroll in the
11 rider or endorsement for elective abortions coverage.

12 (b) A person other than an employer under subsection (a) that
13 offers to an individual enrollment in a rider or endorsement for
14 elective abortions coverage shall at the time the individual enrolls,
15 and at least one (1) time per year thereafter, offer the individual
16 the option of refusing to enroll in the rider or endorsement for
17 elective abortions.

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