

SENATE MOTION

MADAM PRESIDENT:

I move that Engrossed House Bill 1015 be amended to read as follows:

1 Page 1, between the enacting clause and line 1, begin a new
2 paragraph and insert:

3 "SECTION 1. IC 16-34-1-8 IS ADDED TO THE INDIANA CODE
4 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
5 1, 2011]: **Sec. 8. A qualified health plan (as defined in IC 27-8-33-3)**
6 **offered under Subtitle D of Title 1 of the federal Patient Protection**
7 **and Affordable Care Act (P.L. 111-148) may not provide coverage**
8 **for abortion."**

9 Page 2, after line 11, begin a new paragraph and insert:

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

13 **Chapter 33. Health Care Exchanges and Abortion**

14 **Sec. 1. As used in this chapter, "abortion" means the**
15 **termination of human pregnancy with an intention other than to**
16 **produce a live birth or to remove a dead fetus.**

17 **Sec. 2. As used in this chapter, "federal Patient Protection and**
18 **Affordable Care Act" includes amendments made by the federal**
19 **Health Care and Education Reconciliation Act of 2010 (P.L.**
20 **111-152).**

21 **Sec. 3. As used in this chapter, "qualified health plan" has the**
22 **meaning set forth in Section 1301 of the federal Patient Protection**
23 **and Affordable Care Act (P.L. 111-148).**

24 **Sec. 4. A qualified health plan offered under Subtitle D of Title**
25 **1 of the federal Patient Protection and Affordable Care Act may**
26 **not provide coverage for abortion.**

27 SECTION 4. IC 27-8-34 IS ADDED TO THE INDIANA CODE AS
28 A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY
29 1, 2011]:

30 **Chapter 34. Coverage of Elective Abortions**

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

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

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

13 **Sec. 4.** As used in this chapter, "policy of accident and sickness
14 insurance" has the meaning set forth in IC 27-8-5-1.

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

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

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

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

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

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

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

36 (B) A statement that purchase of the rider or endorsement
37 is optional.

38 (C) If the insured is purchasing a policy of accident and
39 sickness insurance at the same time as the rider or
40 endorsement for elective abortions, a statement that the
41 insured may choose to purchase the policy of accident and
42 sickness insurance without purchasing the rider or
43 endorsement for elective abortions.

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

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

6 **(b)** A person other than an employer under subsection (a) that
 7 offers to an individual the purchase of a rider or endorsement for
 8 elective abortions coverage shall at the time the individual
 9 purchases the coverage, and at least one (1) time per year
 10 thereafter, offer the individual the option of refusing to purchase
 11 the rider or endorsement for elective abortions.

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

15 **Chapter 44. Coverage of Elective Abortions**

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

22 **Sec. 2.** An individual contract or a group contract may not
 23 provide coverage for an elective abortion.

24 **Sec. 3.** A health maintenance organization may offer coverage
 25 for an elective abortion only in a separate rider or endorsement
 26 that is paid with a separate premium from an individual contract
 27 or group contract.

28 **Sec. 4. (a)** A health maintenance organization that offers a rider
 29 or endorsement for elective abortions shall meet the following
 30 requirements:

31 **(1)** Calculate the premium for the rider or endorsement for
 32 elective abortions to cover the estimated cost per enrollee for
 33 an elective abortion, based on an average actuarial basis, and
 34 not include consideration of any cost reduction in another
 35 individual contract or group contract held by the enrollee for
 36 prenatal care, delivery, or postnatal care.

37 **(2)** Require a signature for the rider or endorsement for
 38 elective abortion that is separate from any signature required
 39 for an individual contract or group contract.

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

42 **(A)** The specific cost of the rider or endorsement for
 43 elective abortions that is separate from the cost of any
 44 other individual contract or group contract.

45 **(B)** A statement that enrollment in the rider or
 46 endorsement is optional.

47 **(C)** If the enrollee is enrolling in an individual contract or

1 group contract at the same time as the rider or
2 endorsement for elective abortions, a statement that the
3 enrollee may choose to enroll in the individual contract or
4 group contract without enrolling in the rider or
5 endorsement for elective abortions.

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

10 Sec. 5. (a) An employer that offers an employee a rider or
11 endorsement for elective abortions coverage shall, at the time of
12 the employee's employment and at least one (1) time per year
13 thereafter, offer the employee the option to refuse to enroll in the
14 rider or endorsement for elective abortions coverage.

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

21 Renumber all SECTIONS consecutively.

(Reference is to EHB 1015 as printed March 25, 2011.)

Senator WALKER