

House Bill 3600

Sponsored by Representative THATCHER

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**.

Requires that coverage of cost of elective abortions in health benefit plan that is not offered through American Health Insurance Exchange be offered only as supplemental plan with separate premium charge and payment required. Requires insurers or other entities offering supplemental elective abortion coverage plan to comply with specified requirements. Defines "elective abortion."

A BILL FOR AN ACT

1
2 Relating to reimbursement for the cost of an elective abortion.

3 **Be It Enacted by the People of the State of Oregon:**

4 **SECTION 1. (1) As used in section:**

5 (a) "American Health Benefit Exchange" means an exchange described in 42 U.S.C. 18031.

6 (b) "Elective abortion" means an abortion performed for a reason other than any of the
7 following:

8 (A) To prevent the death of the mother. An abortion may not be deemed to prevent the
9 death of the mother based on a claim or diagnosis that without the performance of the
10 abortion she will engage in conduct that will result in her death.

11 (B) To terminate a pregnancy that is the result of rape in the first degree under ORS
12 163.375 and the rape is reported to a law enforcement agency no later than 48 hours after
13 the rape occurs or, if the victim is physically unable to report the rape within 48 hours, no
14 later than 48 hours after the victim becomes physically able to report the rape.

15 (C) To terminate a pregnancy that is the result of incest, as defined in ORS 163.525, if
16 the mother is a minor and the incest and the perpetrator are reported to a law enforcement
17 agency prior to the abortion.

18 (c) "Health benefit plan" has the meaning given that term in ORS 743.730.

19 (2) The Legislative Assembly finds that the Patient Protection and Affordable Care Act,
20 P.L. 111-148, directs all qualified health plans offered through an American Health Benefit
21 Exchange established in a state to require a separate premium charge and payment for the
22 coverage of elective abortions.

23 (3) A health benefit plan that is not offered through an American Health Benefit Ex-
24 change and is offered in this state may provide coverage of elective abortions only through
25 an optional separate supplemental plan with premium charges and payments that are sepa-
26 rate from the premium charges and payments for any health benefit plan that does not cover
27 elective abortions.

28 (4) The following apply to any supplemental elective abortion coverage plan described in
29 subsection (3) of this section:

30 (a) The premium must be calculated based on the estimated full cost of covering elective

NOTE: Matter in **boldfaced** type in an amended section is new; matter *[italic and bracketed]* is existing law to be omitted. New sections are in **boldfaced** type.

1 abortions for each enrollee, determined on an average actuarial basis, and may not be based
2 on any cost reduction estimated to result from covering an elective abortion, including any
3 estimated cost reduction for avoidance of prenatal care, delivery or postnatal care.

4 (b) The insurer shall require an application signed by the applicant that is separate and
5 distinct from any application for enrollment in a health benefit plan providing coverage other
6 than elective abortion coverage.

7 (c) The insurer shall provide a notice to enrollees, at the time of enrollment, that:

8 (A) States the actual cost of the premium for the supplemental elective abortion cover-
9 age plan separately from the cost of the enrollee's premium for a health benefit plan pro-
10 viding coverage other than elective abortion coverage;

11 (B) States that enrollment in a supplemental elective abortion coverage plan is optional;
12 and

13 (C) States that the enrollee may choose to enroll in any health benefit plan providing
14 coverage other than elective abortion coverage without enrolling in the supplemental elective
15 abortion coverage plan.

16 (5) An insurer may not discount or reduce the premium for a health benefit plan on the
17 basis that the insured is also enrolled in a supplemental elective abortion coverage plan.

18 (6) Any employer who offers employees a supplemental elective abortion coverage plan
19 shall, at the beginning of employment, and at least once in each calendar year thereafter,
20 offer each employee the option to choose or reject the supplemental elective abortion cov-
21 erage plan.

22 (7) Any entity offering a supplemental elective abortion coverage plan to a group, in-
23 cluding an association health plan but excluding an employer-sponsored health benefit plan,
24 shall at the time each group member begins coverage, and at least once in each calendar
25 year thereafter, offer each group member the option to choose or reject the supplemental
26 elective abortion coverage plan.

27 (8) Nothing in this section shall be construed to apply in circumstances preempted by
28 federal law.

29 _____