

IN THE SENATE

SENATE BILL NO. 1115

BY STATE AFFAIRS COMMITTEE

AN ACT

RELATING TO ABORTION AND THE INSURANCE CONTRACT; AMENDING CHAPTER 18, TITLE 41, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 41-1848, IDAHO CODE, TO PROVIDE FOR LEGISLATIVE FINDINGS AND PURPOSE, TO PROHIBIT ABORTION COVERAGE BY A QUALIFIED HEALTH PLAN OFFERED THROUGH AN EXCHANGE CREATED PURSUANT TO THE PATIENT PROTECTION AND AFFORDABLE CARE ACT WITHIN THE STATE OF IDAHO AND TO PROVIDE EXCEPTIONS; AMENDING SECTION 56-209c, IDAHO CODE, TO REVISE A REQUIREMENT RELATING TO A DETERMINATION THAT AN ABORTION IS NECESSARY IN A CERTAIN CIRCUMSTANCE AND TO PROVIDE A CODE REFERENCE; AND PROVIDING SEVERABILITY.

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. That Chapter 18, Title 41, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 41-1848, Idaho Code, and to read as follows:

41-1848. LEGISLATIVE FINDINGS AND PURPOSE -- COVERAGE FOR ABORTIONS IN STATE EXCHANGE PROHIBITED. (1) The legislature finds that:

(a) Pursuant to section 1303 of the patient protection and affordable care act, P.L. 111-148, states are explicitly permitted to pass laws prohibiting qualified health plans offered through an exchange in their state from offering abortion coverage;

(b) It is the longstanding policy of this state to prefer live child-birth over abortion and to prohibit the use of taxpayer moneys to fund abortions unless the mother's life is at risk or the pregnancy is a result of rape or incest;

(c) Idaho law prohibits certain insurance plans, policies and contracts issued in this state from offering coverage for elective abortions; and

(d) It is the purpose of this section to affirmatively prohibit qualified health plans that cover abortions from participating in exchanges within this state.

(2) Notwithstanding any other provision of law, no abortion coverage may be provided by a qualified health plan offered through an exchange created pursuant to the patient protection and affordable care act, P.L. 111-148, within the state of Idaho.

(3) The provisions of subsection (2) of this section shall not apply to an abortion performed if it is the recommendation of one (1) consulting physician that an abortion is necessary to save the life of the mother, or if the pregnancy is a result of rape, as defined in section 18-6101, Idaho Code, or incest as determined by the courts.

SECTION 2. That Section 56-209c, Idaho Code, be, and the same is hereby amended to read as follows:

1           56-209c. DENIAL OF PAYMENT FOR ABORTIONS UNDER CERTAIN CONDITIONS. No  
2 funds available to the department of health and welfare, by appropriation  
3 or otherwise, shall be used to pay for abortions, unless it is the recommen-  
4 dation of ~~two~~ one (21) consulting physicians that an abortion is necessary  
5 to save the life of the mother, or unless the pregnancy is a result of rape,  
6 as defined in section 18-6101, Idaho Code, or incest as determined by the  
7 courts.

8           SECTION 3. SEVERABILITY. The provisions of this act are hereby declared  
9 to be severable and if any provision of this act or the application of such  
10 provision to any person or circumstance is declared invalid for any reason,  
11 such declaration shall not affect the validity of the remaining portions of  
12 this act.