

## 1 SENATE BILL NO. 176

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7 A BILL FOR AN ACT ENTITLED: "AN ACT PROHIBITING QUALIFIED HEALTH INSURANCE PLANS OFFERED  
8 THROUGH A HEALTH INSURANCE EXCHANGE IN MONTANA FROM COVERING ABORTION SERVICES."  
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10 WHEREAS, under Public Law 111-148, the Patient Protection and Affordable Care Act, federal tax dollars  
11 are routed to exchange-participating health insurance plans through affordability credits provided to individuals  
12 with incomes of up to 400% of the federal poverty level to assist the individuals with purchasing health insurance  
13 coverage, including health insurance plans that provide coverage for abortions; and

14 WHEREAS, federal funding of insurance plans that provide coverage for abortions is an unprecedented  
15 change in federal abortion funding policy that fails to take into account the Hyde Amendment that prohibits federal  
16 funds from subsidizing health insurance plans that provide coverage of abortions; and

17 WHEREAS, the provision of federal funding for health insurance plans that provide abortion coverage  
18 is nothing short of taxpayer-funded and government-endorsed abortion; and

19 WHEREAS, Public Law 111-148 allows a state to opt out of permitting health insurance plans that cover  
20 abortions from participating in the health insurance exchanges within that state and thus prohibit taxpayer money  
21 from subsidizing plans that cover abortions within that state; and

22 WHEREAS, the U.S. Supreme Court has, in past decisions, concluded that the decision not to fund  
23 abortion services places no governmental obstacle in the path of a woman who chooses to terminate her  
24 pregnancy and that a state may engage in unequal subsidization of abortion and other medical services to  
25 encourage alternative activity considered to be in the public interest; and

26 WHEREAS, a January 2010 Quinnipiac University poll showed that 7 in 10 Americans were opposed to  
27 provisions in federal health care reform that use federal funds to pay for abortions and abortion coverage.  
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29 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:  
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1            **NEW SECTION. Section 1. Prohibition on coverage of abortion services in qualified health plans.**

2            (1) A qualified health plan, as defined by 42 U.S.C. 18021, may not be offered or otherwise made available  
3            through a health insurance exchange established in the state pursuant to Public Law 111-148, the Patient  
4            Protection and Affordable Care Act, if the plan provides coverage for abortion as defined in 50-20-104.

5            (2) The prohibition in this section does not apply to a plan that provides coverage for an abortion  
6            performed when:

7            (a) the life of the mother is endangered by a physical disorder, physical illness, or physical injury,  
8            including a life-endangering physical condition caused by or arising from the pregnancy itself; or

9            (b) the pregnancy is the result of an act of rape or incest.

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11           **NEW SECTION. Section 2. Construction.** (1) The provisions of [section 1] may not be construed as  
12           creating or recognizing a right to abortion.

13           (2) It is not the intent of [section 1] to make lawful an abortion that is currently unlawful.

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15           **NEW SECTION. Section 3. Codification instruction.** [Sections 1 and 2] are intended to be codified  
16           as an integral part of Title 33, chapter 22, and the provisions of Title 33, chapter 22, apply to [sections 1 and 2].

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