67th Legislature

1	BILL NO
2	INTRODUCED BY (Primary Sponsor)
3	
4	A BILL FOR AN ACT ENTITLED: "AN ACT PROHIBITING QUALIFIED HEALTH INSURANCE PLANS
5	OFFERED THROUGH A HEALTH INSURANCE EXCHANGE IN MONTANA FROM COVERING ABORTION
6	SERVICES."
7	
8	WHEREAS, under Public Law 111-148, the Patient Protection and Affordable Care Act, federal tax
9	dollars are routed to exchange-participating health insurance plans through affordability credits provided to
10	individuals with incomes of up to 400% of the federal poverty level to assist the individuals with purchasing
11	health insurance coverage, including health insurance plans that provide coverage for abortions; and
12	WHEREAS, federal funding of insurance plans that provide coverage for abortions is an unprecedented
13	change in federal abortion funding policy that fails to take into account the Hyde Amendment that prohibits
14	federal funds from subsidizing health insurance plans that provide coverage of abortions; and
15	WHEREAS, the provision of federal funding for health insurance plans that provide abortion coverage
16	is nothing short of taxpayer-funded and government-endorsed abortion; and
17	WHEREAS, Public Law 111-148 allows a state to opt out of permitting health insurance plans that
18	cover abortions from participating in the health insurance exchanges within that state and thus prohibit taxpayer
19	money from subsidizing plans that cover abortions within that state; and
20	WHEREAS, the U.S. Supreme Court has, in past decisions, concluded that the decision not to fund
21	abortion services places no governmental obstacle in the path of a woman who chooses to terminate her
22	pregnancy and that a state may engage in unequal subsidization of abortion and other medical services to
23	encourage alternative activity considered to be in the public interest; and
24	WHEREAS, a January 2010 Quinnipiac University poll showed that 7 in 10 Americans were opposed to
25	provisions in federal health care reform that use federal funds to pay for abortions and abortion coverage.
26	
27	BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:
28	



## **Unofficial Draft Copy**

67th Legislature

1	NEW SECTION. Section 1. Prohibition on coverage of abortion services in qualified health
2	plans. (1) A qualified health plan, as defined by 42 U.S.C. 18021, may not be offered or otherwise made
3	available through a health insurance exchange established in the state pursuant to Public Law 111-148, the
4	Patient 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 the life of the mother is endangered by a physical disorder, physical illness, or physical injury,
7	including a life-endangering physical condition caused by or arising from the pregnancy itself.
8	
9	NEW SECTION. Section 2. Construction. (1) The provisions of [section 1] may not be construed as
10	creating or recognizing a right to abortion.
11	(2) It is not the intent of [section 1] to make lawful an abortion that is currently unlawful.
12	
13	NEW SECTION. Section 3. Codification instruction. [Sections 1 and 2] are intended to be codified
14	as an integral part of Title 33, chapter 22, and the provisions of Title 33, chapter 22, apply to [sections 1 and 2].
15	- END -