

1 SB10
2 126718-3
3 By Senator Reed
4 RFD: Health
5 First Read: 07-FEB-12
6 PFD: 06/15/2011

1 SB10

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4 ENROLLED, An Act,

5 Relating to abortions; to specifically provide that
6 the State of Alabama affirmatively opts out of allowing
7 abortion coverage by exchange participating health plans.

8 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

9 Section 1. This act shall be known as the "Federal
10 Abortion Mandate Opt Out Act."

11 Section 2. (a) The Legislature of the State of
12 Alabama finds all of the following:

13 (1) Under the Patient Protection and Affordable Care
14 Act, P.L. 111-148, federal tax dollars, via affordability
15 credits, subsidies provided to individuals between 150-400
16 percent of the federal poverty level, are routed to exchange
17 participating health insurance plans, including plans that
18 provide coverage for abortions.

19 (2) Federal funding of insurance plans that provide
20 abortions is an unprecedented change in federal abortion
21 funding policy. The Hyde Amendment, as passed each year in the
22 Labor Health and Human Services Appropriations bill, and the
23 Federal Employee Health Benefits Program, FEHBP, prohibit
24 federal funds from subsidizing health insurance plans that
25 provide abortions. Under this new law, however, exchange

1 participating health insurance plans that provide abortions
2 can receive federal funds.

3 (3) The provision of federal funding for health
4 insurance plans that provide abortion coverage is nothing
5 short of taxpayer funded and government endorsed abortion.

6 (4) However, P.L. 111-148 allows a state to "opt
7 out" of permitting health insurance plans that cover abortions
8 to participate in the exchanges within that state and thereby
9 prohibit taxpayer money from subsidizing plans that cover
10 abortions within that state.

11 (5) The decision not to fund abortions places no
12 governmental obstacle in the path of a woman who chooses to
13 terminate her pregnancy.

14 (6) Moreover, it is permissible for a state to
15 engage in unequal subsidization of abortions and other medical
16 services to encourage alternative activity deemed in the
17 public interest.

18 (7) Citizens of the State of Alabama, like other
19 Americans, oppose the use of public funds, both federal and
20 state, to pay for abortions. For example, a January 2010
21 Quinnipiac poll showed that 7 in 10 Americans were opposed to
22 provisions in federal health care reform that use federal
23 funds to pay for abortions and abortion coverage.

24 (8) The Guttmacher Institute, which advocates for
25 unfettered and taxpayer-funded access to abortion, confirms

1 that, based on Medicaid studies, more women have abortions
2 when it is covered by private or public insurance programs.

3 (b) Based on the findings in subsection (a), it is
4 the purpose of this act to affirmatively opt out of allowing
5 qualified health plans that cover abortions to participate in
6 exchanges within the State of Alabama.

7 Section 3. (a) No abortion coverage may be provided
8 by a qualified health plan offered through an exchange created
9 pursuant to P.L. 111-148 within the State of Alabama.

10 (b) This prohibition shall not apply to an abortion
11 performed when the life of the mother is endangered by a
12 physical disorder, physical illness, or physical injury,
13 including a life-endangering physical condition caused by or
14 arising from the pregnancy itself, or when the pregnancy is
15 the result of an act of rape or incest or any procedure to
16 terminate an ectopic pregnancy.

17 Section 4. (a) Nothing in this act shall be
18 construed as creating or recognizing a right to abortion.

19 (b) It is not the intention of this act to make
20 lawful an abortion that is currently unlawful.

21 Section 5. This act shall become effective on the
22 first day of the third month following its passage and
23 approval by the Governor, or its otherwise becoming law.

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President and Presiding Officer of the Senate

Speaker of the House of Representatives

SB10

Senate 24-APR-12

I hereby certify that the within Act originated in and passed
the Senate, as amended.

Patrick Harris
Secretary

House of Representatives
Passed: 08-MAY-12

By: Senator Reed