

## Committee on Health Regulation

### CS/HB 97 — Health Insurance

by Health and Human Services Access Subcommittee; Rep. Gaetz and others (CS/CS/SB 1414 by Budget Committee; Banking and Insurance Committee; and Senators Wise and Oelrich)

The bill prohibits any individual, group, or out-of-state group health insurance policy or health maintenance contract, purchased with any amount of state or federal funds through an exchange, from providing coverage for an abortion unless the pregnancy is the result of an act of rape or incest or in cases where a woman suffers from a physical disorder, physical illness, or physical injury, including a life-endangering physical condition caused by or arising from the pregnancy itself, that would, as certified by a physician, place the woman in danger of death.

The federal Patient Protection and Affordable Care Act (PPACA), which was signed into law on March 23, 2010, is designed to, among other provisions, create a health insurance “exchange” in each state for individuals and employers to obtain health coverage. The PPACA sets minimum standards for health coverage offered in the exchanges and provides premium tax credits and cost-sharing subsidies for eligible, low-income individuals who obtain coverage through exchanges. An exchange is not an insurer; however, it is designed to provide eligible individuals and businesses with access to health insurance coverage.

Under the PPACA, exchanges must be self-sufficient by 2015 and may charge assessments or user fees. If the U.S. Department of Health and Human Services (HHS) determines by January 1, 2013, that a state has opted-out of operating an exchange or that it will not have an exchange operational by January 1, 2014, the HHS shall operate an exchange in that state, either directly or through agreement with a non-profit entity.

This bill provides that such coverage in Florida is deemed to be purchased with state or federal funds if any tax credit or cost-sharing credit is applied to the cost of the policy. The bill does not prohibit the purchase of separate coverage for abortion if that separate coverage is not purchased with any state or federal funds. The bill defines “state” to mean the State of Florida or any political subdivision of the state.

The bill’s exceptions for abortion coverage in cases of rape or incest or in cases where the pregnant woman’s life is certified by a physician to be in danger, are modeled after the federal “Hyde Amendment,” which is the common name for a provision in the annual federal appropriations act for the HHS, the U.S. Department of Labor, and the U.S. Department of Education, which prevents Medicaid and any other programs under these departments from funding abortions, except for such cases described above. Provisions of the Hyde Amendment have been enacted into federal law in various forms since 1976.

If approved by the Governor, these provisions take effect July 1, 2011.

*Vote: Senate 28-11; House 80-35*