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 CS/HB 97, Engrossed 1

2011 Legislature

1 A bill to be entitled
 2 An act relating to health insurance; creating ss.
 3 627.64995, 627.66995, and 641.31099, F.S.; prohibiting
 4 certain health insurance policies and health maintenance
 5 contracts from providing coverage for abortions; providing
 6 exceptions; defining the term "state"; amending s.
 7 627.6515, F.S.; providing that certain restrictions on
 8 coverage for abortions apply to certain group health
 9 insurance policies issued or delivered outside the state
 10 which provide coverage to residents of the state; amending
 11 s. 627.6699, F.S.; providing that certain restrictions on
 12 coverage for abortions apply to plans under the Employee
 13 Health Care Access Act; providing an effective date.

14
 15 Be It Enacted by the Legislature of the State of Florida:

16
 17 Section 1. Section 627.64995, Florida Statutes, is created
 18 to read:

19 627.64995 Restrictions on use of state and federal funds
 20 for state exchanges.—

21 (1) A health insurance policy under which coverage is
 22 purchased in whole or in part with any state or federal funds
 23 through an exchange created pursuant to the federal Patient
 24 Protection and Affordable Care Act, Pub. L. No. 111-148, may not
 25 provide coverage for an abortion as defined in s. 390.011(1),
 26 except if the pregnancy is the result of an act of rape or
 27 incest, or in the case where a woman suffers from a physical
 28 disorder, physical injury, or physical illness, including a

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29 life-endangering physical condition caused by or arising from
 30 the pregnancy itself, which would, as certified by a physician,
 31 place the woman in danger of death unless an abortion is
 32 performed. Coverage is deemed to be purchased with state or
 33 federal funds if any tax credit or cost-sharing credit is
 34 applied toward the health insurance policy.

35 (2) This section does not prohibit a health insurance
 36 policy from offering separate coverage for an abortion if such
 37 coverage is not purchased in whole or in part with state or
 38 federal funds.

39 (3) As used in this section, the term "state" means this
 40 state or any political subdivision of the state.

41 Section 2. Section 627.66995, Florida Statutes, is created
 42 to read:

43 627.66995 Restrictions on use of state and federal funds
 44 for state exchanges.—

45 (1) A group, franchise, or blanket health insurance policy
 46 under which coverage is purchased in whole or in part with any
 47 state or federal funds through an exchange created pursuant to
 48 the federal Patient Protection and Affordable Care Act, Pub. L.
 49 No. 111-148, may not provide coverage for an abortion as defined
 50 in s. 390.011(1), except if the pregnancy is the result of an
 51 act of rape or incest, or in the case where a woman suffers from
 52 a physical disorder, physical injury, or physical illness,
 53 including a life-endangering physical condition caused by or
 54 arising from the pregnancy itself, which would, as certified by
 55 a physician, place the woman in danger of death unless an
 56 abortion is performed. Coverage is deemed to be purchased with

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57 state or federal funds if any tax credit or cost-sharing credit
 58 is applied toward the group, franchise, or blanket health
 59 insurance policy.

60 (2) This section does not prohibit a group, franchise, or
 61 blanket health insurance policy from offering separate coverage
 62 for an abortion if such coverage is not purchased in whole or in
 63 part with state or federal funds.

64 (3) As used in this section, the term "state" means this
 65 state or any political subdivision of the state.

66 Section 3. Section 641.31099, Florida Statutes, is created
 67 to read:

68 641.31099 Restrictions on use of state and federal funds
 69 for state exchanges.—

70 (1) A health maintenance contract under which coverage is
 71 purchased in whole or in part with any state or federal funds
 72 through an exchange created pursuant to the federal Patient
 73 Protection and Affordable Care Act, Pub. L. No. 111-148, may not
 74 provide coverage for an abortion as defined in s. 390.011(1),
 75 except if the pregnancy is the result of an act of rape or
 76 incest, or in the case where a woman suffers from a physical
 77 disorder, physical injury, or physical illness, including a
 78 life-endangering physical condition caused by or arising from
 79 the pregnancy itself, which would, as certified by a physician,
 80 place the woman in danger of death unless an abortion is
 81 performed. Coverage is deemed to be purchased with state or
 82 federal funds if any tax credit or cost-sharing credit is
 83 applied toward the health maintenance contract.

84 (2) This section does not prohibit a health maintenance

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85 contract from offering separate coverage for an abortion if such
 86 coverage is not purchased in whole or in part with state or
 87 federal funds.

88 (3) As used in this section, the term "state" means this
 89 state or any political subdivision of the state.

90 Section 4. Paragraph (c) of subsection (2) of section
 91 627.6515, Florida Statutes, is amended to read:

92 627.6515 Out-of-state groups.—

93 (2) Except as otherwise provided in this part, this part
 94 does not apply to a group health insurance policy issued or
 95 delivered outside this state under which a resident of this
 96 state is provided coverage if:

97 (c) The policy provides the benefits specified in ss.
 98 627.419, 627.6574, 627.6575, 627.6579, 627.6612, 627.66121,
 99 627.66122, 627.6613, 627.667, 627.6675, 627.6691, and 627.66911,
 100 and complies with the requirements of s. 627.66995.

101 Section 5. Present subsection (17) of section 627.6699,
 102 Florida Statutes, is renumbered as subsection (18), and a new
 103 subsection (17) is added to that section, to read:

104 627.6699 Employee Health Care Access Act.—

105 (17) RESTRICTIONS ON COVERAGE.—

106 (a) A plan under which coverage is purchased in whole or
 107 in part with any state or federal funds through an exchange
 108 created pursuant to the federal Patient Protection and
 109 Affordable Care Act, Pub. L. No. 111-148, may not provide
 110 coverage for an abortion, as defined in s. 390.011(1), except if
 111 the pregnancy is the result of an act of rape or incest, or in
 112 the case where a woman suffers from a physical disorder,

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113 physical injury, or physical illness, including a life-
114 endangering physical condition caused by or arising from the
115 pregnancy itself, which would, as certified by a physician,
116 place the woman in danger of death unless an abortion is
117 performed. Coverage is deemed to be purchased with state or
118 federal funds if any tax credit or cost-sharing credit is
119 applied toward the plan.

120 (b) This subsection does not prohibit a plan from
121 providing any person or entity with separate coverage for an
122 abortion if such coverage is not purchased in whole or in part
123 with state or federal funds.

124 (c) As used in this section, the term "state" means this
125 state or any political subdivision of the state.

126 Section 6. This act shall take effect July 1, 2011.