

Senate Bill 4

By: Senator Hill of the 32nd

WITHDRAWN FROM CONSIDERATION

A BILL TO BE ENTITLED

AN ACT

1 To provide a short title; to provide for legislative findings and purposes; to amend Article 1
2 of Chapter 24 of Title 33 of the Official Code of Georgia Annotated, relating to insurance
3 generally, so as to opt out of funding certain abortions through certain qualified health plans;
4 to provide for certain exceptions; to provide for a right of intervention in certain lawsuits; to
5 provide an effective date; to repeal conflicting laws; and for other purposes.

6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

7 **SECTION 1.**

8 This Act shall be known and may be cited as the "Federal Abortion-Mandate Opt-Out Act."

9 **SECTION 2.**

10 (a) The General Assembly finds that:

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

16 (2) Federal funding of insurance plans that provide abortions is an unprecedented change
17 in federal abortion funding policy. The Hyde Amendment, as passed each year in the
18 Labor Health and Human Services Appropriations bill, and the Federal Employee Health
19 Benefits Program prohibit federal funds from subsidizing health insurance plans that
20 provide abortion coverage. Under this new law, however, exchange-participating health
21 insurance plans that provide abortion coverage can receive federal funds;

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

24 (4) However, P.L. 111-148, Section 1303(a) allows a state to opt out of permitting health
25 insurance plans that cover abortions to participate in the exchanges within that state and

- 26 thereby prohibit taxpayer money from subsidizing plans that cover abortions within that
 27 state;
- 28 (5) It is the long-standing policy of the State of Georgia to limit the use of public funds for
 29 funding abortions to only those required under the Hyde Amendment;
- 30 (6) The decision not to fund abortion places no governmental obstacle in the path of a
 31 woman who chooses to terminate her pregnancy. Rust v. Sullivan, 500 U.S. 173, 201
 32 (1991);
- 33 (7) Moreover, it is permissible for a state to engage in unequal subsidization of abortion
 34 and other medical services to encourage alternative activity deemed in the public interest.
 35 Rust v. Sullivan, 500 U.S. 173, 198 (1991);
- 36 (8) Citizens of the State of Georgia, like other Americans, oppose the use of public funds,
 37 both federal and state, to pay for abortions. For example, a January 2010 Quinnipiac poll
 38 showed that seven in ten Americans were opposed to provisions in federal health care
 39 reform that use federal funds to pay for abortion and abortion coverage; and
- 40 (9) The Guttmacher Institute, which advocates for unfettered and taxpayer-funded access
 41 to abortion confirms that, based on Medicaid studies, more women have abortions when
 42 it is covered by private or public insurance programs.
- 43 (b) Based upon the findings in subsection (a) of this section, it is the purpose of this Act to
 44 affirmatively opt out of allowing qualified health plans that cover abortions to participate in
 45 exchanges within the State of Georgia.

46 SECTION 3.

- 47 Article 1 of Chapter 24 of Title 33 of the Official Code of Georgia Annotated, relating to
 48 insurance generally, is amended by adding a new Code section to read as follows:
- 49 "33-24-59.14.
- 50 (a) No abortion coverage shall be provided by a qualified health plan offered through an
 51 exchange created pursuant to P.L. 111-148 within the State of Georgia.
- 52 (b) This limitation shall not apply to an abortion performed when the life of the mother is
 53 endangered by a physical disorder, physical illness, or physical injury, including a
 54 life-endangering physical condition caused by or arising from the pregnancy itself or when
 55 the pregnancy is the result of an act of rape or incest.
- 56 (c) Nothing in this Code section shall be construed as creating or recognizing a right to an
 57 abortion.
- 58 (d) It is not the intention of this Code section to make lawful an abortion that is currently
 59 unlawful."

60 **SECTION 4.**

61 The General Assembly, by joint resolution, may appoint one or more of its members, who
62 sponsored or cosponsored this Act in his or her official capacity, to intervene as a matter of
63 right in any case in which the constitutionality of this Act or any portion thereof is
64 challenged.

65 **SECTION 5.**

66 This Act shall become effective upon its approval by the Governor or upon its becoming law
67 without such approval.

68 **SECTION 6.**

69 All laws and parts of laws in conflict with this Act are repealed.