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**SENATE BILL NO. 1202**

Offered January 12, 2011

Prefiled January 12, 2011

A *BILL to amend the Code of Virginia by adding a section numbered 38.2-3401.1, relating to the offering of coverage for certain abortions through a health benefits exchange.*

Patrons—Obenshain and Vogel

Referred to Committee on Education and Health

**Be it enacted by the General Assembly of Virginia:****1. That the Code of Virginia is amended by adding a section numbered 38.2-3401.1 as follows:**

*§ 38.2-3401.1. Health benefit exchanges prohibited from offering coverage for certain abortions through health care exchange.*

*A. As used in this section, unless the context requires a different meaning:*

*"Exchange" means any American Health Benefit Exchange or Small Business Health Options Program established pursuant to § 1311(b) of the federal health care reform legislation, whether operated by an agency or instrumentality of the Commonwealth or by the federal government or any agency or instrumentality thereof.*

*"Federal health care reform legislation" means the Patient Protection and Affordable Care Act (P.L. 111-148), as amended by the Health Care and Education Reconciliation Act of 2010 (P.L. 111-152).*

*"Qualified health plan" has the same meaning as is ascribed to such term in § 1301 of the federal health care reform legislation.*

*B. No qualified health insurance plan that is sold or offered for sale through an exchange established or operating in the Commonwealth shall provide coverage for abortions, regardless of whether such coverage is provided through the plan or is offered as a separate optional rider thereto.*

*C. The limitation set forth in subsection B shall not apply to an abortion performed (i) when the life of the mother is endangered by a physical disorder, physical illness, or physical injury, including a life-endangering physical condition caused by or arising from the pregnancy itself, or (ii) when the pregnancy is the result of an alleged act of rape or incest.*

**2. That nothing in this act shall be construed or implied to recognize the constitutional validity of the Patient Protection and Affordable Care Act (P.L. 111-148), as amended by the Health Care and Education Reconciliation Act of 2010 (P.L. 111-152).**

**3. That the provisions of this act constitute the election of the Commonwealth to prohibit abortion coverage in qualified health plans offered through an exchange in the Commonwealth as amended by § 1303(a)(1) of the Health Care and Education Reconciliation Act of 2010 (P.L. 111-152).**

INTRODUCED

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