Session of 2011

HOUSE BILL No. 2292

By Committee on Insurance

2-10

AN ACT concerning insurance; excluding coverage for certain abortions;
 amending K.S.A. 2010 Supp. 40-2,103 and 40-19c09 and repealing
 the existing sections.

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5 Be it enacted by the Legislature of the State of Kansas:

New Section 1. (a) Any individual or group health insurance policy. 6 medical service plan, contract, hospital service corporation contract, 7 hospital and medical service corporation contract, fraternal benefit 8 society or health maintenance organization, municipal group-funded pool 9 10 and the state employee health care benefits plan which is delivered, 11 issued for delivery, amended or renewed on or after July 1, 2011, shall 12 exclude coverage for elective abortions, unless the procedure is necessary to preserve the life of the mother. Coverage for abortions may be obtained 13 through an optional rider for which an additional premium is paid. The 14 premium for the optional rider shall be calculated so that it fully covers 15 16 the estimated cost of covering elective abortions per enrollee as 17 determined on an average actuarial basis.

(b) No health insurance exchange established within this state or any
health insurance exchange administered by the federal government or its
agencies within this state shall offer health insurance contracts, plans, or
policies that provide coverage for elective abortions, nor shall any health
insurance exchange operating within this state offer coverage for elective
abortions through the purchase of an optional rider.

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(c) For the purposes of this section:

25 (1) "Abortion" means the use or prescription of any instrument, 26 medicine, drug or any other substance or device to terminate the pregnancy of a woman known to be pregnant with an intention other than 27 to increase the probability of a live birth, to preserve the life or health of 28 29 the child after live birth, or to remove a dead unborn child who died as the result of natural causes in utero, accidental trauma or a criminal 30 assault on the pregnant woman or her unborn child and which causes the 31 32 premature termination of the pregnancy.

(2) "Elective" means an abortion for any reason other than to
prevent the death of the mother upon whom the abortion is performed;
provided, that an abortion may not be deemed one to prevent the death of
the mother based on a claim or diagnosis that she will engage in conduct

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1 which will result in her death.

2 Sec. 2. K.S.A. 2010 Supp. 40-2,103 is hereby amended to read as 3 follows: 40-2,103. The requirements of K.S.A. 40-2,100, 40-2,101, 40-4 2,102, 40-2,104, 40-2,105, 40-2,114, 40-2,160, 40-2,165 through 40-2,170, inclusive, 40-2250, K.S.A. 2010 Supp. 40-2,105a, 40-2,105b and, 5 40-2,184 and section 1, and amendments thereto, shall apply to all 6 7 insurance policies, subscriber contracts or certificates of insurance 8 delivered, renewed or issued for delivery within or outside of this state or 9 used within this state by or for an individual who resides or is employed 10 in this state.

11 Sec. 3. K.S.A. 2010 Supp. 40-19c09 is hereby amended to read as 12 follows: 40-19c09. (a) Corporations organized under the nonprofit 13 medical and hospital service corporation act shall be subject to the provisions of the Kansas general corporation code, articles 60 to 74, 14 15 inclusive, of chapter 17 of the Kansas Statutes Annotated, and 16 amendments thereto, applicable to nonprofit corporations, to the provisions of K.S.A. 40-214, 40-215, 40-216, 40-218, 40-219, 40-222, 17 18 40-223, 40-224, 40-225, 40-226, 40-229, 40-230, 40-231, 40-235, 40-19 236, 40-237, 40-247, 40-248, 40-249, 40-250, 40-251, 40-252, 40-254, 40-2,100, 40-2,101, 40-2,102, 40-2,103, 40-2,104, 40-2,105, 40-2,116, 20 40-2,117, 40-2,153, 40-2,154, 40-2,160, 40-2,161, 40-2,163 through 40-21 22 2,170, inclusive, 40-2a01 et seq., 40-2111 to 40-2116, inclusive, 40-2215 to 40-2220, inclusive, 40-2221a, 40-2221b, 40-2229, 40-2230, 40-2250, 23 24 40-2251, 40-2253, 40-2254, 40-2401 to 40-2421, inclusive, and 40-3301 25 to 40-3313, inclusive, K.S.A. 2010 Supp. 40-2,105a, 40-2,105b and, 40-26 2,184 and section 1, and amendments thereto, except as the context 27 otherwise requires, and shall not be subject to any other provisions of the 28 insurance code except as expressly provided in this act.

(b) No policy, agreement, contract or certificate issued by a corporation to which this section applies shall contain a provision which excludes, limits or otherwise restricts coverage because medicaid benefits as permitted by title XIX of the social security act of 1965 are or may be available for the same accident or illness.

(c) Violation of subsection (b) shall be subject to the penalties
 prescribed by K.S.A. 40-2407 and 40-2411, and amendments thereto.

Sec. 4. If any provisions of this act or the application thereof to any person or circumstances is held invalid, the invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provisions or application, and to this end the

40 provisions of this act are severable.

41 Sec. 5. K.S.A. 2010 Supp. 40-2,103 and 40-19c09 are hereby 42 repealed.

43 Sec. 6. This act shall take effect and be in force from and after its

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1 publication in the statute book.

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