

Regular Session, 2010

HOUSE BILL NO. 1247

BY REPRESENTATIVES HOFFMANN, ARMES, BOBBY BADON, BALDONE, BARRAS, BARROW, BILLIOT, BURFORD, HENRY BURNS, TIM BURNS, CARMODY, CHAMPAGNE, CHANDLER, CHANEY, CONNICK, CORTEZ, CROMER, DANAHAY, DOVE, DOWNS, ELLINGTON, FANNIN, GEYMANN, GISCLAIR, GREENE, GUILLORY, GUINN, HARDY, HARRISON, HAZEL, HENDERSON, HENRY, HILL, HINES, HOWARD, KATZ, KLECKLEY, LABRUZZO, LAMBERT, LEBAS, LIGI, LITTLE, LOPINTO, LORUSSO, MILLS, MONICA, MONTOUCET, MORRIS, PEARSON, PERRY, POPE, PUGH, RICHARD, RICHARDSON, RITCHIE, SCHRODER, SIMON, SMILEY, JANE SMITH, TALBOT, TEMPLET, THIBAUT, TUCKER, WHITE, WILLIAMS, WILLMOTT, AND WOOTON AND SENATORS ADLEY, ALARIO, APPEL, BROOME, DONAHUE, DUPLESSIS, ERDEY, N. GAUTREAU, GUILLORY, HEBERT, KOSTELKA, LONG, MARTINY, MICHOT, MORRISH, MOUNT, NEVERS, QUINN, RISER, SHAW, SMITH, THOMPSON, AND WALSWORTH

1 AN ACT

2 To enact R.S. 22:1016, relative to health insurance issuers; to provide for legislative intent;
3 to provide for definitions; to provide for a prohibition on insurance coverage of
4 elective abortions; and to provide for related matters.

5 Be it enacted by the Legislature of Louisiana:

6 Section 1. R.S. 22:1016 is hereby enacted to read as follows:

7 §1016. Limitations on health insurance coverage of elective abortions in the state
8 exchange prohibited

9 A. The legislature finds and declares all of the following:

10 (1) Federal funding for insurance plans that cover abortions is prohibited by
11 the Hyde Amendment and the Federal Employee Health Benefits Program (FEHBP).

12 (2) Congress enacted and the president signed into law the Patient Protection
13 and Affordable Care Act of 2010, P.L. 111-148.

14 (3) In the Patient Protection and Affordable Care Act of 2010, P.L. 111-148,
15 states are explicitly permitted to pass laws prohibiting qualified health plans offered
16 through an exchange in their state from offering abortion coverage.

1 (4) It is the longstanding policy of this state that the unborn child is a human
2 being from the time of conception and is, therefore, a legal person for purposes of
3 the unborn child's right to life and is entitled to the right to life from conception
4 under the laws and constitution of this state. Further, the legislature finds and
5 declares that the longstanding policy of this state is to protect the right to life of the
6 unborn child from conception by prohibiting abortion impermissible only because
7 of the decisions of the United States Supreme Court and that, therefore, if those
8 decisions of the United States Supreme Court are ever reversed or modified or the
9 United States Constitution is amended to allow protection of the unborn then the
10 former policy of this state to prohibit abortions shall be enforced.

11 B. No health care plan required to be established in this state through an
12 exchange pursuant to federal health reform legislation enacted by the 111th Congress
13 shall offer coverage for abortion services. As used in this Section, "abortion" shall
14 have the same meaning as defined in R.S. 40:1299.35.1(1).

15 Section 2. Nothing in this Act shall be construed or implied to recognize any
16 independent right to abortion under the constitution or laws of this state, nor shall it be
17 construed or implied to recognize the constitutional validity of the Patient Protection and
18 Affordable Care Act of 2010, P.L. 111-148.

19 Section 3. If any provision or item of this Act, or the application thereof, is held
20 invalid, such invalidity shall not affect other provisions, items, or applications of the Act
21 which can be given effect without the invalid provision, item, or application and to this end
22 the provisions of this Act are hereby declared severable.

23 Section 4. This Act shall become effective upon signature by the governor or, if not
24 signed by the governor, upon expiration of the time for bills to become law without signature

1 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If
2 vetoed by the governor and subsequently approved by the legislature, this Act shall become
3 effective on the day following such approval.

SPEAKER OF THE HOUSE OF REPRESENTATIVES

PRESIDENT OF THE SENATE

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____