Ohio Legislative Service Commission

Bill Analysis

Nick Thomas

H.B. 79

129th General Assembly
(As Reported by S. Insurance, Commerce and Labor)

Reps. Bubp and Uecker, J. Adams, Amstutz, Beck, Blair, Boose, Brenner, Butler, Carey, Combs, Gardner, Grossman, Hackett, Hall, Hayes, Henne, Hottinger, Huffman, Maag, Martin, McClain, Ruhl, Slaby, Wachtmann, Young, Goodwin, Burke, Johnson, Sears, R. Adams, Buchy, Conditt, Derickson, Dovilla, C. Hagan, Mecklenborg, Newbold, Roegner, Rosenberger, Stautberg, Thompson, Batchelder

Sens. Faber, Bacon, Hite, Jones, Jordan, Schaffer

BILL SUMMARY

- Prohibits a qualified health plan from providing coverage for a nontherapeutic abortion.
- Specifies that the bill's purpose is to affirmatively opt out of a provision of the federal healthcare reform law that would allow a qualified health plan covering nontherapeutic abortions to participate in Ohio's health benefit exchange.

CONTENT AND OPERATION

Nontherapeutic abortion coverage prohibited

The bill prohibits a qualified health plan from providing coverage for a nontherapeutic abortion. A nontherapeutic abortion is an abortion that is performed or induced when (1) the life of the mother would not be endangered if the fetus were carried to term, or (2) when the pregnancy of the mother was not the result of rape or incest reported to a law enforcement agency.[1]

The bill's prohibition applies to all qualified health plans offered through the health benefit exchange that Ohio is to create under the federal "Patient Protection and

[1] R.C. 3901.87 and 124.85.

Affordable Care Act" (PPACA). The PPACA requires each state to establish an American Health Benefit Exchange no later than January 1, 2014.[2]

A health benefit exchange created under the PPACA must make qualified health plans available for individuals and small employers to purchase. The plans must provide what the United States Secretary of Health and Human Services defines as the essential health benefits package and may, with certain exceptions, include coverage for abortion services.[3]

Authority to opt out of abortion coverage

The bill specifies that its purpose is to affirmatively opt out of the PPACA provisions that otherwise would allow qualified health plans that cover nontherapeutic abortions to participate in Ohio's health benefit exchange. This opt-out authority is granted under a provision of the PPACA specifying that a state may elect to prohibit abortion coverage in qualified health plans by enacting such a prohibition.[4]

HISTORY

ACTION	DATE
Introduced	02-01-11
Reported, H. Health & Aging	03-09-11
Passed House (62-36)	06-28-11
Reported, S. Insurance, Commerce & Labor	12-08-11

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[2] R.C. 3901.87 and Pub. L. 111-148 (sections 1303, as amended by section 10104(c) of the PPACA, and 1311).

[3] Pub. L. 111-148.

[4] Section 2 and 42 United States Code 18023.