

Senate Bill 98

By: Senators Hill of the 32nd, Gooch of the 51st, Miller of the 49th, Heath of the 31st, Ligon, Jr. of the 3rd and others

AS PASSED SENATE

A BILL TO BE ENTITLED

AN ACT

To amend Article 1 of Chapter 24 of Title 33 of the Official Code of Georgia Annotated, relating to insurance generally, so as to provide definitions; to opt out of funding certain abortions through certain qualified health plans; to provide for certain exceptions; to provide for a right of intervention in certain lawsuits; to amend Part 1 of Article 1 of Chapter 18 of Title 45 of the Official Code of Georgia Annotated, relating to the state employees' health insurance plan, so as to define a certain term; to provide that no health insurance plan for employees of the state shall offer coverage for certain abortion services; to provide for related matters; to provide an effective date; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Article 1 of Chapter 24 of Title 33 of the Official Code of Georgia Annotated, relating to insurance generally, is amended by adding a new Code section to read as follows:

"33-24-59.17.

(a) No abortion coverage shall be provided by a qualified health plan offered within the State of Georgia through a state law, a federal law, or regulation or exchange created by the federal Patient Protection and Affordable Care Act (Public Law 111-148), as amended by the federal Health Care and Education Reconciliation Act of 2010 (Public Law 111-152), and regulations or guidance issued under those acts, except in the case of medical emergency.

(b) For the purposes of this Code section, the term 'abortion' has the same meaning as provided in Code Section 31-9A-2.

(c) For the purposes of this Code section, the term 'medical emergency' has the same meaning as provided in Code Section 31-9A-2.

(d) Nothing in this Code section shall be construed as creating or recognizing a right to an abortion.

27 (e) It is not the intention of this Code section to make lawful an abortion that is currently
28 unlawful."

29 **SECTION 2.**

30 Part 1 of Article 1 of Chapter 18 of Title 45 of the Official Code of Georgia Annotated,
31 relating to the state employees' health insurance plan, is amended by revising subsection (a)
32 of Code Section 45-18-2, relating to the board's authority to establish health insurance plan,
33 rules and regulations, provisions of plan generally, and coverage for retiring or retired
34 employees, as follows:

35 "(a)(1) As used in this subsection, the term 'abortion' shall have the same meaning as
36 provided in Code Section 31-9A-2.

37 (2) As used in this Code section, the term 'medical emergency' shall have the same
38 meaning as provided in Code Section 31-9A-2.

39 (3) The board is authorized to establish a health insurance plan for employees of the state
40 and to adopt and promulgate rules and regulations for its administration, subject to the
41 limitations contained in this part. The health insurance plan may provide for group
42 hospitalization and surgical and medical insurance against the financial costs of
43 hospitalization, surgery, and medical treatment and care and may also include, among
44 other things, prescribed drugs, medicines, prosthetic appliances, hospital inpatient and
45 outpatient service benefits, dental benefits, vision care benefits, and medical expense
46 indemnity benefits, including major medical benefits. No health insurance plan shall
47 offer coverage for abortion services except in the case of medical emergency."

48 **SECTION 3.**

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

53 **SECTION 4.**

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

56 **SECTION 5.**

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