

HOUSE BILL No. 2292

By Committee on Insurance

2-10

1 AN ACT concerning insurance; excluding coverage for certain abortions;
2 amending K.S.A. 2010 Supp. 40-2,103 and 40-19c09 and repealing
3 the existing sections.
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5 *Be it enacted by the Legislature of the State of Kansas:*

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

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

24 (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
27 pregnancy of a woman known to be pregnant with an intention other than
28 to increase the probability of a live birth, to preserve the life or health of
29 the child after live birth, or to remove a dead unborn child who died as
30 the result of natural causes in utero, accidental trauma or a criminal
31 assault on the pregnant woman or her unborn child and which causes the
32 premature termination of the pregnancy.

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

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-
5 2,170, inclusive, 40-2250, K.S.A. 2010 Supp. 40-2,105a, 40-2,105b ~~and~~,
6 40-2,184 *and section 1*, and amendments thereto, shall apply to all
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
14 provisions of the Kansas general corporation code, articles 60 to 74,
15 inclusive, of chapter 17 of the Kansas Statutes Annotated, *and*
16 *amendments thereto*, applicable to nonprofit corporations, to the
17 provisions of K.S.A. 40-214, 40-215, 40-216, 40-218, 40-219, 40-222,
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,
20 40-2,100, 40-2,101, 40-2,102, 40-2,103, 40-2,104, 40-2,105, 40-2,116,
21 40-2,117, 40-2,153, 40-2,154, 40-2,160, 40-2,161, 40-2,163 through 40-
22 2,170, inclusive, 40-2a01 et seq., 40-2111 to 40-2116, inclusive, 40-2215
23 to 40-2220, inclusive, 40-2221a, 40-2221b, 40-2229, 40-2230, 40-2250,
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.

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

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

36 Sec. 4. If any provisions of this act or the application thereof to any
37 person or circumstances is held invalid, the invalidity shall not affect
38 other provisions or applications of the act which can be given effect
39 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

1 publication in the statute book.
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