House Engrossed Senate Bill

FILED
KEN BENNETT
SECRETARY OF STATE

State of Arizona
Senate
Forty-ninth Legislature
Second Regular Session
2010

CHAPTER 114

SENATE BILL 1305

AN ACT

AMENDING TITLE 20, CHAPTER 1, ARTICLE 1, ARIZONA REVISED STATUTES, BY ADDING SECTION 20-121; AMENDING SECTION 35-196.02, ARIZONA REVISED STATUTES; RELATING TO COVERAGE FOR ABORTIONS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

Be it enacted by the Legislature of the State of Arizona:

Section 1. Title 20, chapter 1, article 1, Arizona Revised Statutes, is amended by adding section 20-121, to read:

20-121. State health care exchange; abortion coverage; prohibition; exceptions

A. CONSISTENT WITH THE PROVISIONS OF THE PATIENT PROTECTION AND AFFORDABLE CARE ACT (P.L. 111-148), ANY QUALIFIED HEALTH INSURANCE POLICY, CONTRACT OR PLAN OFFERED THROUGH ANY STATE HEALTH CARE EXCHANGE ESTABLISHED IN THIS STATE SHALL NOT PROVIDE COVERAGE FOR ABORTIONS UNLESS THE COVERAGE IS OFFERED AS A SEPARATE OPTIONAL RIDER FOR WHICH AN ADDITIONAL INSURANCE PREMIUM IS CHARGED.

B. SUBSECTION A DOES NOT APPLY TO COVERAGE FOR ANY ABORTION THAT IS NECESSARY TO EITHER:

1. SAVE THE LIFE OF THE WOMAN HAVING THE ABORTION.

2. AVERT SUBSTANTIAL AND IRREVERSIBLE IMPAIRMENT OF A MAJOR BODILY FUNCTION OF THE WOMAN HAVING THE ABORTION.

Sec. 2. Section 35-196.02, Arizona Revised Statutes, is amended to read:

35-196.02. Use of public funds or insurance for abortion prohibited; exception

A. Notwithstanding any provisions of law to the contrary, no public funds nor tax monies of this state or any political subdivision of this state nor any federal funds passing through the state treasury or the treasury of any political subdivision of this state may be expended for payment to any person or entity for the performance of any abortion unless an abortion is necessary to save the life of the woman having the abortion.

B. NOTWITHSTANDING ANY OTHER LAW, PUBLIC MONIES OR TAX MONIES OF THIS STATE OR ANY POLITICAL SUBDIVISION OF THIS STATE SHALL NOT BE EXPENDED DIRECTLY OR INDIRECTLY TO PAY THE COSTS, PREMIUMS OR CHARGES ASSOCIATED WITH A HEALTH INSURANCE POLICY, CONTRACT OR PLAN THAT PROVIDES COVERAGE, BENEFITS OR SERVICES RELATED TO THE PERFORMANCE OF ANY ABORTION UNLESS AN ABORTION IS NECESSARY TO EITHER:

1. SAVE THE LIFE OF THE WOMAN HAVING THE ABORTION.

2. AVERT SUBSTANTIAL AND IRREVERSIBLE IMPAIRMENT OF A MAJOR BODILY FUNCTION OF THE WOMAN HAVING THE ABORTION.

C. THIS SECTION DOES NOT PROHIBIT THE STATE FROM COMPLYING WITH THE REQUIREMENTS OF FEDERAL LAW IN TITLE XIX AND TITLE XXI OF THE SOCIAL SECURITY ACT.

Sec. 3. Interpretation

Nothing in this act shall be construed or implied to recognize any independent right to abortion under the Constitution of Arizona or the laws of this state, nor shall it be construed or implied to recognize the constitutional validity of the patient protection and affordable care act (P.L. 111-148).

APPROVED BY THE GOVERNOR APRIL 24, 2010.

FILED IN THE OFFICE OF THE SECRETARY OF STATE APRIL 24, 2010.

Passed the House April 14, 20 10,

by the following vote: 35 Ayes,

20 Nays, 5 Not Voting

Speaker of the House

Cheryl Laube

Chief Clerk of the House

Passed the Senate March 3, 20 10,

by the following vote: 16 Ayes,

12 Nays, 1 Not Voting

VACANT

President of the Senate

Secretary of the Senate

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF GOVERNOR

This Bill was received by the Governor this

_____ day of _____, 20____,

at _____ o'clock _____ M.

Secretary to the Governor

Approved this _____ day of

_____, 20_____,

at _____ o'clock _____ M.

Governor of Arizona

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF SECRETARY OF STATE

This Bill was received by the Secretary of State

this _____ day of _____, 20____,

at _____ o'clock _____ M.

Secretary of State

S.B. 1305

SENATE CONCURS IN HOUSE AMENDMENTS AND FINAL PASSAGE

Passed the Senate April 20, 20 10

by the following vote: 17 Ayes,

11 Nays, 2 Not Voting

President of the Senate

Secretary of the Senate

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF GOVERNOR

This Bill received by the Governor this

20 day of April, 20 10

at 4:15 o'clock P. M.

Secretary to the Governor

Approved this 24th day of

April

at 9:28 o'clock P. M.

Governor of Arizona

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF SECRETARY OF STATE

This Bill received by the Secretary of State

this 24th day of April, 20 10

at 9:25 o'clock P M.

Secretary of State

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