

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2013

H

2

HOUSE BILL 730
Committee Substitute Favorable 5/15/13

Short Title: Insurance & Health Care Conscience Protection.

(Public)

Sponsors:

Referred to:

April 11, 2013

1 A BILL TO BE ENTITLED
2 AN ACT TO MODIFY CERTAIN LAWS PERTAINING TO ABORTION AND
3 CONTRACEPTIVE HEALTH INSURANCE COVERAGE AND TO LIMIT ABORTION
4 COVERAGE UNDER HEALTH INSURANCE PLANS OFFERED UNDER A HEALTH
5 BENEFIT EXCHANGE OPERATING IN NORTH CAROLINA OR OFFERED BY A
6 COUNTY OR MUNICIPALITY.

7 The General Assembly of North Carolina enacts:

8
9 **PART I. HEALTH CARE CONSCIENCE PROTECTION**

10 **SECTION 1.(a)** G.S. 14-45.1(e) reads as rewritten:

11 "(e) Nothing in this section shall require a physician licensed to practice medicine in
12 North ~~Carolina or~~ Carolina, any ~~nurse-nurse~~, or any other health care provider who shall state
13 an objection to abortion on moral, ethical, or religious grounds, to perform or participate in
14 medical procedures which result in an abortion. The refusal of ~~such physician-a~~ physician,
15 ~~nurse, or health care provider~~ to perform or participate in these medical procedures shall not be
16 a basis for damages for ~~such~~ the refusal, or for any disciplinary or any other recriminatory
17 action against ~~such physician~~ the physician, nurse, or health care provider. For purposes of this
18 section, the phrase "health care provider" shall have the same meaning as defined under
19 G.S. 90-410(1)."

20 **SECTION 1.(b)** G.S. 14-45.1(f) reads as rewritten:

21 "(f) Nothing in this section shall require a ~~hospital-or~~ hospital, other health care
22 ~~institution-institution~~, or other health care provider to perform an abortion or to provide
23 abortion services."

24 **SECTION 1.(c)** G.S. 58-3-178(e) reads as rewritten:

25 "(e) A religious employer may request an insurer providing a health benefit plan to
26 provide to the religious employer a health benefit plan that excludes coverage for prescription
27 contraceptive drugs or devices that are contrary to the employer's religious tenets. Upon
28 request, the insurer shall provide the requested health benefit plan. An insurer providing a
29 health benefit plan requested by a religious employer pursuant to this section shall provide
30 written notice to each person covered under the health benefit plan that prescription
31 contraceptive drugs or devices are excluded from coverage pursuant to this section at the
32 request of the employer. The notice shall appear, in not less than 10-point type, in the health
33 benefit plan, application, and sales brochure for the health benefit plan. Nothing in this
34 subsection authorizes a health benefit plan to exclude coverage for prescription drugs ordered
35 by a health care provider with prescriptive authority for reasons other than contraceptive
36 purposes, or for prescription contraception that is necessary to preserve the life or health of a



1 person covered under the plan. As used in this subsection, the term "religious employer" means
2 ~~an entity for which all of the following are true:~~

- 3 ~~(1) The entity is organized and operated for religious purposes and is tax exempt~~
4 ~~under section 501(c)(3) of the U.S. Internal Revenue Code.~~
5 ~~(2) The inculcation of religious values is one of the primary purposes of the~~
6 ~~entity.~~
7 ~~(3) The entity employs primarily persons who share the religious tenets of the~~
8 ~~entity.~~

9 includes any employer, including, but not limited to, a corporation, LLC, partnership, or sole
10 proprietorship, whether on a for-profit or nonprofit basis, that has a religious, moral, or ethical
11 objection to arranging for, paying for, facilitating, or providing health benefits plan coverage
12 for contraceptive drugs or methods, including, but not limited to, any and all contraceptive
13 drugs and methods approved by the United States Food and Drug Administration."
14

15 **PART II. LIMITS ON ABORTION FUNDING UNDER HEALTH INSURANCE PLANS** 16 **OFFERED THROUGH A HEALTH INSURANCE EXCHANGE OR BY LOCAL** 17 **GOVERNMENTS**

18 **SECTION 2.(a)** Article 51 of Chapter 58 is amended by adding the following new
19 section:

20 **"§ 58-51-63. Coverage for abortions not allowed in plans offered through Exchange.**

21 (a) Pursuant to the authority granted to states under 42 U.S.C. § 18023(a), no qualified
22 health plan offered through an Exchange created under Subchapter III of Chapter 157 of Title
23 42 of the U.S. Code and operating within this State shall include coverage for abortion services.

24 (b) The coverage limitation in subsection (a) of this section shall not apply to an
25 abortion performed when the life of the mother is endangered by a physical disorder, physical
26 illness, or physical injury, including a life-endangering physical condition caused by or arising
27 from the pregnancy itself or when the pregnancy is the result of an act of rape or incest."

28 **SECTION 2.(b)** G.S. 153A-92(d) reads as rewritten:

29 "(d) A county may purchase life insurance or health insurance or both for the benefit of
30 all or any class of county officers and employees as a part of their compensation. A county may
31 provide other fringe benefits for county officers and employees. In providing health insurance
32 to county officers and employees, a county shall not provide abortion coverage greater than that
33 provided by the State Health Plan for Teachers and State Employees under Article 3B of
34 Chapter 135 of the General Statutes."

35 **SECTION 2.(c)** G.S. 160A-162(b) reads as rewritten:

36 "(b) The council may purchase life, health, and any other forms of insurance for the
37 benefit of all or any class of city employees and their dependents, and may provide other fringe
38 benefits for city employees. In providing health insurance to city employees, the council shall
39 not provide abortion coverage greater than that provided by the State Health Plan for Teachers
40 and State Employees under Article 3B of Chapter 135 of the General Statutes."
41

42 **PART III. EFFECTIVE DATE**

43 **SECTION 3.** Sections 1(a), 1(b), and 1(c) of this act are effective when it becomes
44 law, and Section 1(c) applies to insurance contracts or policies issued, renewed, or amended on
45 or after that date. Sections 2(a), 2(b), and 2(c) of this act become effective October 1, 2013, and
46 apply to insurance contracts or policies issued, renewed, or amended on or after that date.