COMMITTEE REPORT

April 14, 2011

**S. 102**

Introduced by Senators Grooms and Fair

S. Printed 4/14/11--S.

Read the first time January 11, 2011.

**THE COMMITTEE ON BANKING AND INSURANCE**

To whom was referred a Bill (S. 102) to amend Article 1, Chapter 71, Title 38 of the 1976 Code, relating to accident and health insurance, by adding Section 38‑71‑238 to prohibit qualified, etc., respectfully

**REPORT:**

That they have duly and carefully considered the same and recommend that the same do pass:

Majority favorable. Minority unfavorable.

DAVID L. THOMAS JOHN W. MATTHEWS, JR.

For Majority. For Minority.

**STATEMENT OF ESTIMATED FISCAL IMPACT**

ESTIMATED FISCAL IMPACT ON GENERAL FUND EXPENDITURES:

Minimal (Some additional costs expected but can be absorbed)

ESTIMATED FISCAL IMPACT ON FEDERAL & OTHER FUND EXPENDITURES:

$0 (No additional expenditures or savings are expected)

**EXPLANATION OF IMPACT:**

Department of Insurance

The department estimates that this bill would generate additional phone inquiries impacting on the Office of Consumer Services, and filings that will need to be reviewed by the Office of Market Services for compliance with the provisions of this bill. Any costs associated with the additional workload are expected to be minimal and will be absorbed by the agency using its available resources.

Budget and Control Board

The board reports that this bill would have no impact on the state general fund or on federal and/or other funds.

*Approved By:*

Harry Bell

Office of State Budget

**A** **BILL**

TO AMEND ARTICLE 1, CHAPTER 71, TITLE 38 OF THE 1976 CODE, RELATING TO ACCIDENT AND HEALTH INSURANCE, BY ADDING SECTION 38‑71‑238 TO PROHIBIT QUALIFIED HEALTH PLANS OFFERED THROUGH A HEALTH CARE EXCHANGE REQUIRED BY THE FEDERAL “PATIENT PROTECTION AND AFFORDABLE CARE ACT” FROM OFFERING ABORTION COVERAGE, AND TO PROVIDE FOR CERTAIN EXCEPTIONS.

Be it enacted by the General Assembly of the State of South Carolina:

SECTION 1. Article 1, Chapter 71, Title 38 of the 1976 Code is amended by adding:

“Section 38‑71‑238. (A) Abortion coverage may not be provided by a qualified health plan offered by a health insurer, including a group health plan as defined in Section 607(1) of the Employee Retirement Income Security Act of 1974 or health maintenance organization as defined in Section 38‑33‑20, through a health insurance exchange created pursuant to the federal ‘Patient Protection and Affordable Care Act’.

(B) This limitation shall not apply to an abortion performed when the life of the mother is endangered by a physical disorder, physical illness, or physical injury, including a life‑endangering physical condition caused or arising from the pregnancy or when the pregnancy is the result of rape or incest.”

SECTION 2. This act takes effect upon approval by the Governor.

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