**A** **BILL**

TO AMEND ARTICLE 5, CHAPTER 11, TITLE 1 OF THE 1976 CODE, RELATING TO STATE EMPLOYEES AND RETIREES INSURANCE, TO PROHIBIT EMPLOYER CONTRIBUTIONS TO THE STATE HEALTH INSURANCE PLAN FROM BEING USED TO PAY FOR ABORTIONS AND ANCILLARY SERVICES, TO PROVIDE THAT EMPLOYEE CONTRIBUTIONS MAY BE USED TO REIMBURSE EXPENSES AND ANCILLARY SERVICES ASSOCIATED WITH ABORTIONS PERFORMED IN CASES OF RAPE, INCEST, OR WHERE THE HEALTH OF THE MOTHER IS ENDANGERED, TO PROVIDE THAT REIMBURSEMENT MUST COME FROM A FUND CREATED SPECIFICALLY FOR THAT PURPOSE, TO ALLOW FOR SUBSCRIBERS TO OPT OUT OF PERMITTING A PORTION OF THEIR EMPLOYEE CONTRIBUTIONS FROM BEING TRANSFERRED TO THE FUND, TO PROVIDE FOR THE MEANS TO OPT OUT, AND TO ESTABLISH THE FUND AND TO PROVIDE FOR ITS PURPOSES.

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

SECTION 1. Article 5, Chapter 11, Title 1 of the 1976 Code is amended by adding:

“Section 1‑11‑790. (A) No funds appropriated for employer contributions to the State Health Insurance Plan may be expended to reimburse the expenses of an abortion, including ancillary services provided contemporaneously with abortion services, except as otherwise provided in this section.

(B)(1) There is created a separate and distinct subaccount within the State Health Insurance Plan to be known as the Woman’s Services Fund. The fund is comprised of employee contributions by subscribers who do not opt out of permitting a portion of his employee contributions from being transferred to the fund. Monies deposited in the fund must be used to reimburse the expenses of an abortion performed in cases of rape, incest, or where the mother’s medical condition is one which, on the basis of the physician’s good faith judgment, so complicates the pregnancy as to necessitate an immediate abortion to avert the risk of her death or for which a delay will create serious risk of substantial and irreversible impairment of major bodily function, including ancillary services.

(2)(a) A portion of each subscriber’s employee contribution to the State Health Insurance Plan must be transferred to the fund to carry out the purposes of the fund. A subscriber may opt out of permitting a portion of his employee contributions from being transferred to the fund.

(b) During annual enrollment, the State Health Insurance Plan must include on its enrollment form a section that allows a subscriber of the plan to opt out of permitting a portion of the subscriber’s employee contributions from being transferred to the fund. The section of the enrollment form relating to opting out shall state: ‘By checking the box, I am declaring that I do not want any portion of my premium to be used to reimburse the expenses of an abortion performed in cases of rape, incest, or where the mother’s medical condition is one which, on the basis of the physician’s good faith judgment, so complicates the pregnancy as to necessitate an immediate abortion to avert the risk of her death or for which a delay will create serious risk of substantial and irreversible impairment of major bodily function, including ancillary services.’

(3) A subscriber’s decision to opt out or not opt out does not affect the subscriber’s premium or any participant’s access to coverage under the plan or the fund created by this proviso.”

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

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