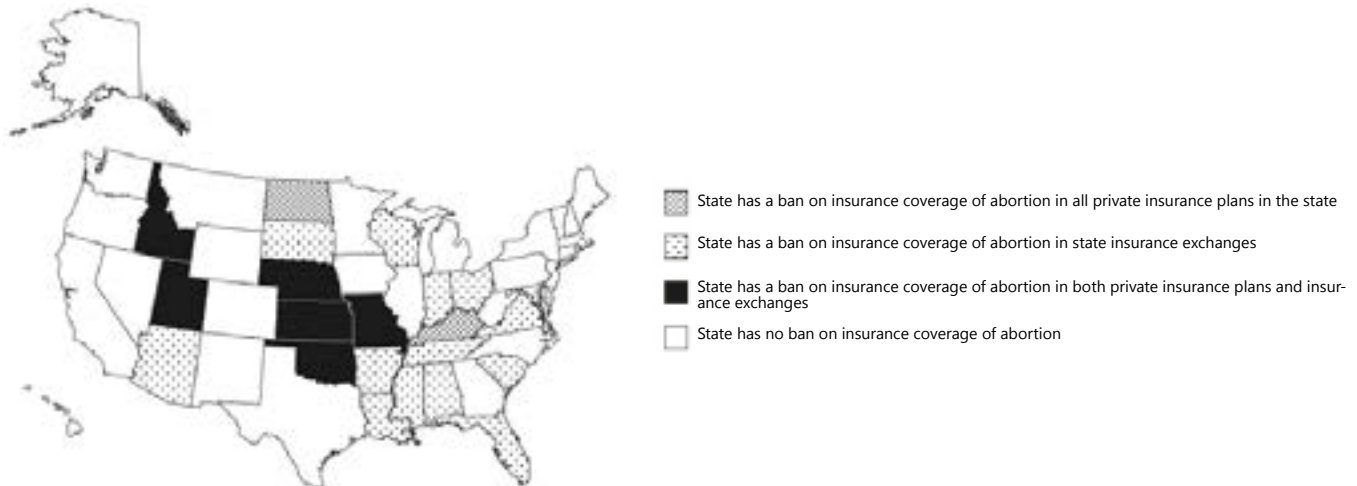


FACT SHEET

State Bans on Insurance Coverage of Abortion Endanger Women's Health and Take Health Benefits Away from Women

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The health care law goes a long way toward improving women's health and addressing the discrimination women have faced in the health insurance market. Unfortunately however, the health care law explicitly allows states to pass laws banning private insurance coverage of abortion in any exchange set up in their state.¹ State politicians who want abortion to be illegal have wasted no time pushing bans on insurance coverage of abortion, making abortion unaffordable and interfering with a woman's ability to make her own health care decisions.



Nineteen states (Alabama, Arizona, Arkansas, Florida, Idaho, Indiana, Kansas, Louisiana, Mississippi, Missouri, Nebraska, Ohio, Oklahoma, South Carolina, South Dakota, Tennessee, Utah, Virginia, and Wisconsin) have enacted laws prohibiting insurance coverage of abortion in state exchanges.² Six of those states – Idaho, Kansas, Missouri, Nebraska, Oklahoma, and Utah³ – go even further and reach all plans in the state, banning insurance coverage of abortion in plans outside the exchange as well. An additional two states – Kentucky and North Dakota – do not explicitly mention the exchange, but also prohibit insurance coverage of abortion in all private health insurance plans.⁴

This means that in twenty-one states, a woman will not be allowed to use her own private money to purchase an exchange-based health plan that covers abortion services, and also may not be able to purchase a plan that provides insurance coverage for abortion at all. Most of these state laws contain exceptions for only the most extreme situations, such as when a woman's life is endangered or when the pregnancy is a result of rape or incest, but two states – Louisiana and Tennessee – do not allow a woman in even those difficult or life-threatening circumstances to obtain insurance coverage of abortion. Seven states – Idaho, Kansas, Kentucky, Missouri, Nebraska, North Dakota, and Oklahoma – prohibit all private insurance plans from offering coverage of abortion to women pregnant

as a result of rape or incest.

So far in 2013, one state – Arkansas – has enacted a ban on insurance coverage of abortion in any exchange established in the state. Ten additional states are considering bans on insurance coverage of abortion. (AL, IN, IA, KY, MI, MN, MS, TX, VA, WV).

- Three of those states (Alabama, Indiana, and Mississippi) are considering bills that would extend the state's ban on abortion coverage in the exchange to reach all private plans in the state. The Alabama bill would also remove the ability of survivors of rape and incest to obtain insurance coverage of abortion.
- Michigan, West Virginia and Texas are also considering bans on insurance coverage of abortion in all plans in the state.
- Kentucky is considering a bill to clarify that its existing ban on any insurance coverage of abortion applies explicitly to the exchange.
- Exchange bans are also being considered in Iowa, Minnesota, and Virginia.
- Two of these bills would prohibit insurers from offering coverage of abortion in any circumstance; thirteen would not allow survivors of rape or incest to access insurance coverage for abortion; and no bill allows for insurance coverage of abortion in the case of fetal anomaly or fully protects women's health.

Bans on Insurance Coverage of Abortion are Dangerous to Women's Health

Almost all of the bills prohibit insurance coverage for abortions that would protect women from serious, permanent, and even life-shortening health conditions. For example, a woman for whom continuing the pregnancy will result in permanent damage to her health, such as damage to her heart, lungs, or kidneys, or a pregnant woman who is diagnosed with cancer and must undergo chemotherapy will not have insurance coverage for these medically necessary abortions. In addition, some women without insurance coverage of abortion will be forced to postpone abortion care while attempting to find the necessary funds. Although abortion is an extremely safe procedure, delays in obtaining care increase the health risks of the procedure.⁵

Bans on Insurance Coverage of Abortion Take Benefits Away from Women and Move the Country in the Wrong Direction

Since most insurance plans cover abortion,⁶ bans on insurance coverage of abortion represent a radical departure from the status quo that will result in women losing benefits they currently have. Government should be focused on protecting and expanding people's access to health care, not imposing new barriers and restrictions to health services.

Bans on Insurance Coverage of Abortion Punish Women

If women are unable to access insurance coverage for abortion, they may face high out-of-pocket costs for these services. On average, women already have lower incomes than men and therefore have greater difficulty paying premiums, are more likely than men to have higher out-of-pocket health care expenses, and use more health care services than men.⁷ Bans on insurance coverage of abortion only worsen these barriers women face.

Offering Supplemental Insurance Coverage for Abortion Only Further Encourages the End of All Private Insurance Coverage of Abortion

Some bans on insurance coverage of abortion allow insurance companies to offer supplemental coverage for abortion. However, existing data shows that supplemental coverage for abortion is unworkable and does not

provide a genuine option for coverage.⁸ Obtaining supplemental coverage for a specific procedure is impractical and undermines the purpose of health insurance. Moreover, most of the pending bills that allow supplemental coverage for abortion impose new restrictions on insurers and employers who might want to offer supplemental coverage, essentially guaranteeing that it will never exist. This further ensures that a woman will be without any option for purchasing comprehensive health insurance that includes coverage of abortion.

All health insurance plans should provide coverage for a full range of pregnancy-related care, including abortion. Politicians seeking to ban insurance coverage of abortion are endangering women's health, taking away access to health benefits that most women already have, and interfering with a woman's ability to make her own health care decisions.

- 1 Patient Protection and Affordable Care Act, Pub. L. No. 111-148, § 1303(a)(1) (2010).
- 2 ALA. CODE § 26-23C-3 (2012); ARIZ. REV. STAT. § 20-121 (2012); H.B. 1100, 89th Gen. Assemb., Reg. Sess. (Ark. 2013) (to be codified as ARK CODE § 23-79-156 (2013)); FLA. STAT. §§ 627.64995, 627.66996, 641.31099 (2011); IDAHO CODE ANN. § 41-1848 (2011); IND. CODE §§ 27-8-33, 16-33-4-1 (2012); KAN. STAT. ANN. § 40-2,190(b) (2011); LA. REV. STAT. ANN. § 22:1014 (2011); MISS. CODE ANN. §§ 41-41-97, 41-41-99 (2010); MO. ANN. STAT. § 376.805 (2012); NEB. REV. STAT. §§ 44-8402, 44-8403(1) (2011); OHIO REV. CODE ANN. § 3901.87 (2012); OKLA. STAT. tit. 63, § 1-741.3 (2011); S.C. CODE ANN. § 38-71-238 (2012); S.D. Codified Laws § 58-17-147 (2012); TENN. CODE ANN. § 56-26-134 (2010); UTAH CODE ANN. § 31A-22-726 (2012); H. 2434, 2011 Gen. Assemb., Reconvened Sess. (Va. 2011); WIS. STAT. § 632.8985 (2012).
- 3 IDAHO CODE ANN. §§ 41-2142, -2210A, -3439, -3924; KAN. STAT. ANN. § 40-2,190(a) (2011); MO. ANN. STAT. § 376.805; NEB. REV. STAT. §§ 44-8402, 44-8403(2) (2011); OKLA. STAT. tit. 63, § 1-741.3 (2011); UTAH CODE ANN. § 31A-22-726 (2012).
- 4 KY. REV. STAT. ANN. § 304.5-160; N.D. CENT. CODE § 14-02.3-03.
- 5 Heather D. Boonstra, et. al., Guttmacher Institute, Abortion in Women's Lives 15-17 (2006), available at <http://www.guttmacher.org/pubs/2006/05/04/AiWL.pdf>.
- 6 Guttmacher Institute, Memo on Private Insurance Coverage of Abortion (Jan. 19, 2011), available at <http://www.guttmacher.org/media/inthenews/2011/01/19/index.html>
- 7 Elizabeth M. Patchias & Judy Waxman, National Women's Law Center, Women and Health Coverage: The Affordability Gap (The Commonwealth Fund, pub. 1020, vol. 25), Apr. 2007, available at http://www.commonwealthfund.org/usr_doc/1020_Patchias_women_hlt_coverage_affordability_gap.pdf.
- 8 See National Women's Law Center, Supplemental Insurance Coverage for Abortion Only Further Guarantees the End of All Private Insurance Coverage of Abortion, available at <http://www.nwlc.org/resource/supplemental-insurance-coverage-abortion-only-further-guarantees-end-all-private-insurance-#node-5697>.