

## HOUSE BILL No. 2564

By Committee on Insurance

1-28

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9 AN ACT concerning insurance; excluding coverage for certain abortions;  
10 amending K.S.A. 2009 Supp. 40-2,103 and 40-19c09 and repealing the  
11 existing sections.  
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13 *Be it enacted by the Legislature of the State of Kansas:*

14 New Section 1. (a) Any individual or group health insurance policy,  
15 medical service plan, contract, hospital service corporation contract, hos-  
16 pital and medical service corporation contract, fraternal benefit society  
17 or health maintenance organization, municipal group-funded pool and the  
18 state employee health care benefits plan which is delivered, issued for  
19 delivery, amended or renewed on and after July 1, 2010, shall exclude  
20 coverage for abortions unless the procedure is necessary to preserve the  
21 life of the mother or in the case of rape reported to a law enforcement  
22 agency or in the case of incest involving a minor and reported to a law  
23 enforcement agency. Coverage may be obtained through an optional rider  
24 for which an additional premium is paid.

25 (b) "Abortion" means the use of any means to intentionally terminate  
26 a pregnancy except for the purpose of causing a live birth. Abortion does  
27 not include: (1) The use of any drug or device that inhibits or prevents  
28 ovulation, fertilization or the implantation of an embryo; or (2) disposition  
29 of the product of *in vitro* fertilization prior to implantation.

30 Sec. 2. K.S.A. 2009 Supp. 40-2,103 is hereby amended to read as  
31 follows: 40-2,103. The requirements of K.S.A. 40-2,100, 40-2,101, 40-  
32 2,102, 40-2,104, 40-2,105, 40-2,114, 40-2,160, 40-2,165 through 40-2,170,  
33 inclusive, 40-2250, K.S.A. 2009 Supp. 40-2,105a ~~and~~, 40-2,105b *and sec-*  
34 *tion 1*, and amendments thereto, shall apply to all insurance policies,  
35 subscriber contracts or certificates of insurance delivered, renewed or  
36 issued for delivery within or outside of this state or used within this state  
37 by or for an individual who resides or is employed in this state.

38 Sec. 3. K.S.A. 2009 Supp. 40-19c09 is hereby amended to read as  
39 follows: 40-19c09. (a) Corporations organized under the nonprofit med-  
40 ical and hospital service corporation act shall be subject to the provisions  
41 of the Kansas general corporation code, articles 60 to 74, inclusive, of  
42 chapter 17 of the Kansas Statutes Annotated, applicable to nonprofit cor-  
43 porations, to the provisions of K.S.A. 40-214, 40-215, 40-216, 40-218, 40-

1 219, 40-222, 40-223, 40-224, 40-225, 40-226, 40-229, 40-230, 40-231, 40-  
2 235, 40-236, 40-237, 40-247, 40-248, 40-249, 40-250, 40-251, 40-252,  
3 40-254, 40-2,100, 40-2,101, 40-2,102, 40-2,103, 40-2,104, 40-2,105, 40-  
4 2,116, 40-2,117, 40-2,153, 40-2,154, 40-2,160, 40-2,161, 40-2,163 through  
5 40-2,170, inclusive, 40-2a01 *et seq.*, 40-2111 to 40-2116, inclusive, 40-  
6 2215 to 40-2220, inclusive, 40-2221a, 40-2221b, 40-2229, 40-2230, 40-  
7 2250, 40-2251, 40-2253, 40-2254, 40-2401 to 40-2421, inclusive, and 40-  
8 3301 to 40-3313, inclusive, K.S.A. 2009 Supp. 40-2,105a ~~and~~ 40-2,105b  
9 *and section 1*, and amendments thereto, except as the context otherwise  
10 requires, and shall not be subject to any other provisions of the insurance  
11 code except as expressly provided in this act.

12 (b) No policy, agreement, contract or certificate issued by a corpo-  
13 ration to which this section applies shall contain a provision which ex-  
14 cludes, limits or otherwise restricts coverage because medicaid benefits  
15 as permitted by title XIX of the social security act of 1965 are or may be  
16 available for the same accident or illness.

17 (c) Violation of subsection (b) shall be subject to the penalties pre-  
18 scribed by K.S.A. 40-2407 and 40-2411, and amendments thereto.

19 Sec. 4. K.S.A. 2009 Supp. 40-2,103 and 40-19c09 are hereby  
20 repealed.

21 Sec. 5. This act shall take effect and be in force from and after its  
22 publication in the statute book.