



The Patient Protection and Affordable Care Act

Abortion Provisions

The Patient Protection and Affordable Care Act maintains the status quo on abortion policy and does not shift federal abortion policy in either a pro-life or pro-choice direction. The following provisions will ensure that the bill does nothing to restrict or expand existing abortion law, while ensuring that federal funds cannot be used for abortion coverage or care.

- ✓ **Health Plans Cannot Be Required to Cover Abortion.** Health plans cannot be required to cover abortions as part of its essential health benefits package. Health plans can choose to cover: no abortions, only those abortions allowed by the Hyde amendment (rape, incest and life endangerment), or abortions beyond those allowed by Hyde.
- ✓ **No Federal Funds for Abortion Coverage or Abortion Care.** Tax credits or cost sharing subsidies may not be used for abortions not permitted by Hyde. Private premiums would be segregated from public funds, and only private premiums could pay for abortion services beyond those permitted by Hyde.
- ✓ **No Federal Funds for Abortion Coverage in the Community Health Insurance Option.** The Secretary may not determine that the Community Health Insurance Option provide coverage for abortions beyond those allowed by Hyde unless the Secretary: 1) is in compliance with the provision described above prohibiting the use of federal funds; 2) guarantees that, based on three different accounting standards, no federal funds are used; and 3) takes all necessary steps to ensure that the United States does not bear the insurance risk for abortions (beyond those permitted by Hyde) in the Community Health Insurance Option. States may require the coverage of additional benefits for individuals covered by the Community Health Insurance Option, but must assume costs associated with covering these benefits. A State may elect to require coverage of abortions beyond those allowed by Hyde, only if no federal funds are used for this coverage. The U.S. Government may not bear the insurance risk for a State's required coverage of abortions beyond those allowed by Hyde.
- ✓ **Enrollees are Guaranteed Access to Varied Coverage in the Exchanges.** The Secretary must ensure that in each Exchange, there is at least one plan available that covers abortions beyond those allowed by Hyde and at least one plan that does not cover abortions beyond those permitted by Hyde.
- ✓ **No Preemption of State or Federal Laws Regarding Abortion.** The bill stipulates there is no preemption of State laws regarding abortion coverage, funding or procedural requirements on abortion like parental notification or consent. Similarly, the bill stipulates that there is no preemption of Federal laws regarding abortion, including federal conscience protections, civil rights laws, or EMTALA.
- ✓ **Conscience Protections for Providers and Facilities.** Individual health care providers and health care facilities may not be discriminated against because of a willingness or unwillingness to provide, pay for, provide coverage of, or refer for abortions.