

## Restricting Insurance Coverage of Abortion

**BACKGROUND:** In 2010, President Obama signed into law the Patient Protection and Affordable Care Act, which, among many other things, provides for the establishment of state-level health care exchanges to assist individuals and small businesses in purchasing a private health insurance plan. Despite the fact that these exchanges will not be operational until 2014, some states have already enacted laws restricting the abortion coverage that will be available in plans purchased through the exchanges. But although federal health care reform may have renewed the debate around restricting insurance coverage of abortion, restrictive state abortion insurance policies are not a new phenomenon. Several states already restrict private insurance coverage of abortion; these restrictions will also apply to plans sold on the exchanges. More often, states have banned abortion coverage in public employees' insurance policies or in other cases where public funds are used to insure employees.

### HIGHLIGHTS:

- 8 states have laws in effect restricting insurance coverage of abortion in all private insurance plans written in the state, including those that will be offered through the health insurance exchanges that will be established under the federal health care reform law.
  - 7 states limit coverage to life endangerment.
  - 1 state limits coverage to life, rape, incest, fetal impairment and “substantial and irreversible impairment of a major bodily function.”
  - 7 states permit additional abortion coverage through purchase of a separate rider and payment of an additional premium.
- 17 states restrict abortion coverage in plans that will be offered through the insurance exchanges.
  - 6 states limit coverage to life endangerment.
  - 1 state limits coverage to life endangerment and “substantial and irreversible impairment of a major bodily function.”
  - 1 state limits coverage to life endangerment, “substantial and irreversible impairment of a major bodily function,” rape or incest.
  - 5 states limit coverage to life endangerment, rape and incest.
  - 1 state limits coverage to life endangerment, rape and incest, fetal impairment and “substantial and irreversible impairment of a major bodily function.”
  - 1 state limits coverage to life endangerment, rape, incest and cases of “grave long-lasting physical health damage.”
  - 2 states prohibit any abortion coverage.
- 15 states restrict abortion coverage in insurance plans for public employees.
  - 5 states limit coverage to life endangerment.
  - 8 states limit coverage to some combination of life endangerment, threat to the woman's health, rape, incest or fetal abnormality.
  - 2 states prohibit any abortion coverage.
- 12 states have more than one of the above restrictions.



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# RESTRICTING INSURANCE COVERAGE OF ABORTION

STATE	PRIVATE INSURANCE POLICIES		INSURANCE POLICIES FOR PUBLIC EMPLOYEES
	All Private Insurance Plans	Specific to Health Exchanges*	
Arizona		Life, Severe health <sup>†‡</sup>	Life, Severe health <sup>†</sup>
Colorado			No coverage
Florida		Life, Rape, Incest <sup>‡</sup>	
Idaho	Life <sup>‡</sup>	Life, Rape, Incest	
Illinois			Life <sup>‡</sup>
Indiana		Life, Rape, Incest, Severe health <sup>†</sup>	
Kansas	Life <sup>‡</sup>	Life	Life
Kentucky	Life <sup>‡</sup>	Life <sup>‡,Ω</sup>	No coverage
Louisiana		No coverage	
Massachusetts			ξ
Mississippi		Life, Rape, Incest	Life, Rape, Incest, Fetal impairment
Missouri	Life <sup>‡</sup>	Life	Life
Nebraska	Life <sup>‡</sup>	Life	Life <sup>‡</sup>
North Carolina			Life, Rape, Incest
North Dakota	Life <sup>‡</sup>	Life <sup>‡,Ω</sup>	Life
Ohio		Life, Rape, Incest	Life, Rape, Incest
Oklahoma	Life <sup>‡</sup>	Life <sup>‡</sup>	
Pennsylvania			Life, Rape, Incest
Rhode Island	▼		Life, Rape, Incest
South Carolina			Life, Rape, Incest, Severe health <sup>†</sup>
South Dakota		♦	
Tennessee		No coverage	
Utah	Life, Rape, Incest, Severe health <sup>†</sup> and Fetal impairment	Life, Rape, Incest, Severe health <sup>†</sup> and Fetal impairment	
Virginia		Life, Rape, Incest	Life, Rape, Incest, Fetal impairment
Wisconsin		Life, Rape, Incest, Severe Physical Health <sup>Φ</sup>	
<b>TOTAL</b>	<b>8</b>	<b>17</b>	<b>15</b>

▼ Enforcement permanently enjoined by court order; policy not in effect.

♦ A new law is scheduled to go into effect later in 2012.

\* Health exchange policies become operational in 2014.

† The health exception applies to a “substantial and irreversible impairment of a major bodily function.”

‡ Additional abortion coverage is available only through the purchase of a separate rider at an additional cost.

Ω Although the law does not specifically refer to health reform, the restriction applies to health plans offered in the health exchange.

ξ State specifically prohibits coverage of postviability “partial-birth” abortions except in cases of life endangerment and “substantial risk of grave impairment of her physical or mental health.”

Φ Health exception applies in cases when the abortion is necessary to “prevent grave, long-lasting physical health damage to the woman.”

## FOR MORE INFORMATION:

For information on state legislative and policy activity, click on Guttmacher’s [Monthly State Update](#), for state-level policy information see Guttmacher’s [State Policies in Brief](#) series, and for information and data on reproductive health issues, go to Guttmacher’s [State Center](#). To see state-specific reproductive health information go to Guttmacher’s [Data Center](#), and for abortion specific information click on [State Facts About Abortion](#). To keep up with new state relevant data and analysis sign up for the [State News Quarterly Listserv](#).

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