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**MEMORANDUM**

**TO:** The Senate of Pennsylvania

**FROM:** Andy Hoover, Legislative Director, ACLU of PA

**DATE:** May 22, 2011

**RE: OPPOSITION TO SENATE BILL 3**

The Senate calendar currently includes Senate Bill 3, and it is likely that the Senate will vote on this bill soon. SB 3 prohibits insurance companies that participate in the insurance exchange created by federal healthcare reform from offering coverage of abortion care. This prohibition would apply to all customers who participate in the exchange, including those who pay for coverage with public subsidies and those who pay with private funds. If enacted, SB 3 would signify the first time that state law has prohibited private insurance companies from offering abortion coverage to private customers who pay for coverage with private money. SB 3 is a radical new step in insurance law, flies in the face of free market principals, and weakens women's access to reproductive healthcare. On behalf of the 17,000 members of the ACLU of Pennsylvania, I ask you to please vote "no" on SB 3.

When it debated healthcare reform, Congress wrestled with and settled the question of abortion coverage. Under the federal Patient Protection and Affordable Care Act, women who participate in the insurance exchanges can only pay for abortion coverage with their own money and must send a separate payment for the coverage. Congress came to this conclusion after concerns were raised by Senator Ben Nelson, an opponent of reproductive rights.

The debate over healthcare reform was vigorous and impassioned, and the opponents of the legislation raised concerns about government intervention into healthcare. That's why it is so surprising that the Senate is eager to take up this issue. SB 3 is government activism of the worst kind in which government limits the products a private company can offer and limits the consumer choices of a private customer.

Supporters of SB 3 suggest that the bill is simply affirmation of current law. It's unfortunate that supporters don't understand the bill. As noted above, participants in the insurance exchange who receive a government subsidy cannot use that money for abortion care. In addition, Medicaid recipients cannot use Medicaid for abortion care. But there is no current law that prohibits an insurance company from offering abortion coverage to customers who pay for policies with their own funds. And since a majority

of insurance plans offer coverage of abortion, SB 3 is a radical rollback of women's access to abortion care.

Women participating in the medical exchanges will be in a variety of circumstances, and they should not be penalized for being in situations that will lead them to participate in the exchanges. All women deserve the peace of mind of knowing that they can get the health coverage they need when they need it. SB 3 discriminates against women who cannot secure insurance coverage by other means, such as a private employer.

Pennsylvania's women deserve better from their elected officials. Please vote "no" on SB 3.