

What the Stupak-Pitts Amendment Means for Women

One of the main promises of health reform is that if you like the coverage you have you can keep it. Yet, that promise may be broken as a result of the Stupak-Pitts Amendment adopted under the Affordable Health Care for America Act (H.R. 3962) by a vote of 240-194.

If enacted, the Stupak-Pitts Amendment would prohibit the new federal insurance program and insurance purchased with federal subsidies from covering abortions except in the cases of rape or incest, or to save the life (not health) of the woman.

The Stupak-Pitts Amendment will impact low and middle-income women who receive government subsidies that help them afford health insurance, women who cannot obtain employer sponsored health insurance, and women who are small business owners or employees of small businesses. The amendment also has the potential to impact many more women who obtain their health insurance through their employer.

Background

Currently, many women receive healthcare through their employer or their husband's employer. Some women receive healthcare through Medicaid and Medicare. Other women, often women who have pre-existing conditions, are unable or can't afford access to health insurance through their employer are forced to purchase insurance through the private market.

Under the House bill, a health insurance exchange would be created to help individuals and small business who purchase insurance in the private market pool their purchasing power together. The exchange would be a market /one-stop-shop where insurance companies would offer plans to individuals and small business to purchase health care. Subsidies would be provided to individuals who earn between 150% and 400% of the poverty level to purchase insurance through the exchange.

The Stupak-Pitts Amendment would prohibit the new federal insurance program and insurance purchased with federal subsidies from covering abortions except in the cases of rape or incest, or to save the life (not health) of the woman. Under the Stupak-Pitts Amendment, it will be virtually impossible for private insurance companies that participate in the new system to offer abortion coverage to women who will be obtaining coverage through the exchange and it will be impossible for the public plan in the exchange to offer abortion coverage.

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Specifically, the Stupak-Pitts Amendment would do the following:

- **The amendment would prohibit the public plan created in the exchange from including abortion coverage except to save the life (not health) of the mother or in the cases of rape or incest.**
- **The amendment would prevent women who purchase insurance coverage with federal subsidies from purchasing a healthcare plan that covers abortion procedures.**
 - The amendment prevents anyone who uses a federal subsidy (individuals and families making between 150% to 400% of poverty) from purchasing health insurance that includes coverage for abortion procedures. This means if a private or public plan in the exchange includes abortion coverage, an individual or family with a subsidy cannot purchase that health insurance plan.
- **The amendment would prevent women who purchase insurance through the exchange with their own money -who do not qualify for federal subsidies to help cover the cost of care because they or their families earn over 400% of the poverty level- from purchasing a healthcare plan that covers abortion procedures.**
 - It is anticipated that a large number of people in the exchange will be individuals with subsidies who earn between 150% and 400% of the poverty level. To maximize their profits, health insurance plans would have an incentive to offer coverage that would be purchasable by people with subsidies; coverage that cannot include abortion. However, not all women who purchase health insurance through the exchange will be women and families with subsidies. It is expected that women who are owners and employees of small businesses, workers whose employers do not offer health insurance and others will purchase insurance through the exchange. These individuals, even though they do not receive subsidies, will be impacted by the choice of plans offered by the health insurance providers—who will be creating insurance plans most likely aimed at individuals with subsidies.
 - Under the Stupak-Pitts Amendment if a health insurance plan-private or public- includes abortion coverage, they would also have to create the same plan without abortion coverage. While in theory this idea may have merit, in practice it is unrealistic because the incentive is for the health insurance industry to maximize its profits by tailoring its plans to individuals and families with subsidies—families who cannot purchase health insurance plans that cover abortion.
- **The amendment creates additional obstacles for women who would like health care coverage that includes abortion for obtaining the coverage.**
 - If enacted, the Stupak-Pitts amendment would prohibit abortion coverage in insurance plans sold in the newly created insurance exchanges. The ban's impact would stretch beyond individuals who purchase insurance coverage with federal subsidies.
 - Under the Stupak-Pitts Amendment individuals who want to obtain coverage for abortion procedures and, who purchase health insurance through the exchange, must purchase a

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separate health insurance policy, often referred to as supplemental coverage to cover abortion procedures. The creation of a separate policy is unrealistic for three reasons:

1. For low-income women who earn between 150% and 400% of the federal poverty level, or middle-income women, it is highly unlikely that they would be able to afford the cost of a separate health care policy that would provide this coverage.
 2. It is also unrealistic to assume that any woman, regardless of income, would feel the need to purchase, or see the value in purchasing, a health insurance policy that covers only abortion; most women do not expect to have an unintended pregnancy or medical complications that would result in the need for an abortion.
 3. The requirement that women purchase a separate health insurance policy to cover abortion would result in the stigmatizing of women who purchase the policy; and women are likely to avoid this stigma even if they could afford it.
- **The amendment only allows health insurance policies that receive government funding to cover abortions under three conditions, if the woman was a victim of the crime of rape or incest, or if they were going to die without an abortion.**
 - Under the Stupak-Pitts Amendment, health insurance plans in the exchange are allowed to pay for abortions that happen as a result of a pregnancy because of rape or incest, or if the woman suffers from, *“a physical disorder, physical injury, or physical illness that would, as certified by a physician, place the woman in danger of death unless an abortion is performed.”*
 - The amendment makes a very limited exception for the health of the mother. If, for example, a woman is in need of an abortion due to the health of the fetus or her physical health it will not be covered. Furthermore, the amendment makes no exception for the mental or emotional health of the mother. If a woman was at risk for mental or emotional harm as a result of the pregnancy she would be unable to have an abortion covered under her health plan.
 - **Many women will be impacted by the Stupak-Pitts Amendment.**

The amendment would impact the following women, and therefore they are at-risk of losing healthcare coverage for abortion they may now have and/or may never have the chance to purchase it in the future through the exchange:

1. any woman whose family earns between 150% to 400% of the poverty level and who receives government subsidies to help them obtain coverage through plans purchased in the exchange;¹
2. any working woman who does not have health care through her employer;
3. any single, divorced or widowed woman who does not receive healthcare through her employer or who otherwise has to purchase her own health care through the exchange;

¹ This includes women and families who currently receive health care under the Children’s Health Insurance Program because the House bill ends the CHIP program and moves people to the exchange.

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4. any middle-income or upper-income women who has to purchase individual coverage or family coverage through the exchange, and
5. any woman who is the owner or employee of a small business that purchases health care coverage through the exchange.

In addition, the exchange may be opened up to large employers in the future. Therefore, any woman who is the owner, or employee, of a large company or organization and who has employer sponsored health care coverage that includes abortion, is potentially at-risk of loosing their current coverage if their employer joins the exchange in the future.

Similarly, if the trend continues where more and more companies stop providing health care coverage for their employees, more people will be joining the exchange to purchase insurance on their own. As the pool of companies (as a result of allowing large employers into the exchange) and individuals in the exchange grows, more and more women will be impacted by the Stupak-Pitts Amendment restrictions.²

To learn more visit:

Kaiser Family Foundation: <http://healthreform.kff.org/>

National Women's Law Center: <http://nwlc.org/reformmatters/reprorights.html>

² See <http://www.washingtonpost.com/wpdyn/content/article/2009/11/14/AR2009111401597.html?hpid=topnews>