



e-Alert

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Abortion Law Update

Roe v Wade Overturned: Group Health Plan Considerations

As anticipated based on the draft opinion leaked in May, the U.S. Supreme Court, in *Dobbs v. Jackson Women's Health*, overturned *Roe v. Wade* in a 6-3 decision released on June 24th. The *Dobbs* decision ends the constitutional right to abortion and grants states the ability to set their own restrictions, which means that the group health plan coverage implications will depend on the location of the employer, the location of a participant at the time of service, the plan's funding mechanism, and the employer's risk tolerance.

As many as 26 states will now have laws that significantly restrict or ban abortions. The laws vary in their approach; some prohibit physicians from performing abortions, others restrict access to abortion medication, and some impose civil penalties and criminal liability on those who assist in the termination of pregnancy.

The most pressing concern for many employers is whether they can continue offering coverage of abortions through their health plan, including by reimbursing costs incurred by a participant traveling to a state to receive lawful abortion services in that state.

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Employer Next Steps

- Contact your Benefits Advisor with more questions.

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