

By: Smithee

H.B. No. 3433

A BILL TO BE ENTITLED

1 AN ACT  
2 relating to prohibited discrimination on the basis of an  
3 individual's political affiliation or expression by certain  
4 insurers.

5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

6 SECTION 1. Chapter 544, Insurance Code, is amended by  
7 adding Subchapter M to read as follows:

8 SUBCHAPTER M. POLITICAL AFFILIATION AND EXPRESSION

9 Sec. 544.601. APPLICABILITY OF SUBCHAPTER. This subchapter  
10 applies to:

11 (1) any legal entity engaged in the business of  
12 insurance in this state, including:

13 (A) a capital stock insurance company;

14 (B) a mutual insurance company;

15 (C) a title insurance company;

16 (D) a fraternal benefit society;

17 (E) a local mutual aid association;

18 (F) a statewide mutual assessment company;

19 (G) a county mutual insurance company;

20 (H) a Lloyd's plan;

21 (I) a reciprocal or interinsurance exchange;

22 (J) a stipulated premium company;

23 (K) a group hospital service corporation;

24 (L) a farm mutual insurance company;

1           (M) a risk retention group;

2           (N) an eligible surplus lines insurer; and

3           (O) an agent, broker, adjuster, or life and  
4 health insurance counselor; and

5           (2) a health maintenance organization.

6           Sec. 544.602. PROHIBITION. A person may not refuse to  
7 insure or provide coverage to an individual, refuse to continue to  
8 insure or provide coverage to an individual, limit the amount,  
9 extent, or kind of coverage available for an individual, or charge  
10 an individual a rate that is different from the rate charged to  
11 other individuals for the same coverage because of the individual's  
12 political affiliation or expression.

13           Sec. 544.603. ENFORCEMENT ACTIONS. (a) A health  
14 maintenance organization or legal entity engaged in the business of  
15 insurance that is found to be in violation of or to have failed to  
16 comply with this subchapter is subject to the sanctions provided by  
17 Chapter 82 or administrative penalties authorized under Chapter 84.

18           (b) In addition to the procedures provided by Subsection  
19 (a), the commissioner may use the cease and desist procedures  
20 authorized by Chapter 83.

21           SECTION 2. Subchapter M, Chapter 544, Insurance Code, as  
22 added by this Act, does not apply to an insurance policy that is  
23 delivered, issued for delivery, or renewed before the effective  
24 date of this Act.

25           SECTION 3. This Act takes effect September 1, 2021.