

By: Blanco

S.B. No. 2124

A BILL TO BE ENTITLED

1 AN ACT

2 relating to the authority of a health benefit plan sponsor to
3 consent to electronic delivery of certain communications on behalf
4 of a party enrolled in the plan.

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

6 SECTION 1. Section 35.001, Insurance Code, is amended by
7 adding Subdivision (4-a) to read as follows:

8 (4-a) "Plan sponsor" means a person, other than a
9 regulated entity, who establishes, adopts, or maintains a health
10 benefit plan, including a vision or dental benefit plan, that
11 covers residents of this state, including a plan established,
12 adopted, or maintained by an employer or jointly by an employer and
13 one or more employee organizations, an association, a committee, a
14 joint board of trustees, or any similar group of representatives
15 who establish, adopt, or maintain a plan.

16 SECTION 2. Chapter 35, Insurance Code, is amended by adding
17 Section 35.0041 to read as follows:

18 Sec. 35.0041. CONSENT TO ELECTRONIC DELIVERY BY PLAN
19 SPONSOR. (a) The plan sponsor of a health benefit plan, including
20 a vision or dental benefit plan, may, on behalf of a party enrolled
21 in the plan, give the consent required by Section 35.004(c)(1).

22 (b) Before consenting on behalf of a party, a plan sponsor
23 must:

24 (1) provide the party with the statements required by

1 Sections 35.004(c)(2) and (c)(3)(A);

2 (2) confirm that the party routinely uses electronic
3 communications during the normal course of employment; and

4 (3) provide the party an opportunity to opt out of
5 delivery by electronic means.

6 SECTION 3. The change in law made by this Act applies only
7 to a health benefit plan delivered, issued for delivery, or renewed
8 on or after January 1, 2022.

9 SECTION 4. This Act takes effect September 1, 2021.