

By: LaMantia

S.B. No. 2436

A BILL TO BE ENTITLED

AN ACT

relating to covered benefits under the child health plan.

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

SECTION 1. Section 62.151, Health and Safety Code, is amended by amending Subsection (c) and adding Subsections (g) and (h) to read as follows:

(c) In modifying the plan, the executive commissioner, except as provided by Subsection (g), shall ensure that primary and preventive health benefits do not include reproductive services, other than prenatal care and care related to diseases, illnesses, or abnormalities related to the reproductive system.

(g) Subject to Subsection (h), the child health plan must provide coverage for prescription contraceptive drugs, supplies, or devices approved by the United States Food and Drug Administration. The child health plan may not provide coverage for abortifacients or any other drug or device that terminates a pregnancy.

(h) The child health plan may provide coverage for prescription contraceptive drugs, supplies, or devices for an enrolled child younger than 18 years of age for the purpose of primary and preventive reproductive health care only if the prescribing or dispensing health care provider receives written consent from the enrolled child's parent, guardian, or managing conservator, from another adult if authorized under Section 32.001,

1 Family Code, or from the enrolled child if authorized under Section
2 32.003, Family Code, for the prescription or dispensing of the
3 contraceptive drug, supply, or device.

4 SECTION 2. If before implementing any provision of this Act
5 a state agency determines that a waiver or authorization from a
6 federal agency is necessary for implementation of that provision,
7 the agency affected by the provision shall request the waiver or
8 authorization and may delay implementing that provision until the
9 waiver or authorization is granted.

10 SECTION 3. This Act takes effect immediately if it receives
11 a vote of two-thirds of all the members elected to each house, as
12 provided by Section 39, Article III, Texas Constitution. If this
13 Act does not receive the vote necessary for immediate effect, this
14 Act takes effect September 1, 2023.