

By: Burnam

H.B. No. 1302

A BILL TO BE ENTITLED

AN ACT

1
2 relating to the provision of public health services or benefits
3 without regard to a person's immigration status; providing a
4 penalty.

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

6 SECTION 1. Chapter 64, Health and Safety Code, is amended by
7 adding Sections 64.002 and 64.003 to read as follows:

8 Sec. 64.002. PUBLIC HEALTH BENEFITS FOR CERTAIN PERSONS.

9 (a) As authorized by 8 U.S.C. Section 1621(d), this subsection
10 affirmatively establishes eligibility for nonemergency public
11 health benefits provided by a municipality, county, or public
12 hospital for a person who would otherwise be ineligible under 8
13 U.S.C. Section 1621(a), provided that only local money is used to
14 provide the benefits. A person is not considered a resident of a
15 municipality or county if the person attempted to establish
16 residence solely to obtain health care assistance.

17 (b) A person whose eligibility is established under
18 Subsection (a) qualifies for public health benefits only if the
19 person otherwise meets the eligibility requirements established by
20 the municipality, county, or public hospital for those benefits.

21 Sec. 64.003. DISCRIMINATION PROHIBITED IN CERTAIN
22 MUNICIPALITIES AND COUNTIES; CIVIL PENALTY. (a) This section
23 applies only to a municipality or county with a population of more
24 than one million or a public hospital located in a county with a

1 population of more than one million.

2 (b) A municipality, county, or public hospital described by
3 Subsection (a) that provides a public health service or benefit:

4 (1) shall provide the service or benefit without
5 regard to a person's immigration status; and

6 (2) may not deny the service or benefit to an eligible
7 person solely because of a person's immigration status.

8 (c) A municipality, county, or public hospital that
9 violates Subsection (b) is liable to the state for a civil penalty
10 of \$1,000 for each violation.

11 (d) The attorney general may bring an action to recover a
12 civil penalty authorized under Subsection (c).

13 (e) The attorney general may recover reasonable expenses
14 incurred in obtaining a civil penalty under Subsection (c),
15 including court costs, reasonable attorney's fees, investigative
16 costs, witness fees, and deposition expenses.

17 SECTION 2. Section 285.201, Health and Safety Code, is
18 amended to read as follows:

19 Sec. 285.201. PUBLIC HEALTH BENEFITS FOR CERTAIN PERSONS
20 [PROVISION OF MEDICAL AND HOSPITAL CARE]. (a) As authorized by 8
21 U.S.C. Section 1621(d), this subsection [chapter] affirmatively
22 establishes eligibility for nonemergency public health benefits
23 provided by a hospital district for a person who would otherwise be
24 ineligible under 8 U.S.C. Section 1621(a), provided that only local
25 money is used to provide the [funds are utilized for the provision
26 of nonemergency public health] benefits. A person is not
27 considered a resident of a [governmental entity or] hospital

1 district if the person attempted to establish residence solely to
2 obtain health care assistance.

3 (b) A person whose eligibility is established under
4 Subsection (a) qualifies for public health benefits only if the
5 person otherwise meets the eligibility requirements established by
6 the hospital district for those benefits.

7 SECTION 3. Subchapter M, Chapter 285, Health and Safety
8 Code, is amended by adding Section 285.202 to read as follows:

9 Sec. 285.202. DISCRIMINATION PROHIBITED IN CERTAIN
10 HOSPITAL DISTRICTS; CIVIL PENALTY. (a) A hospital district with a
11 population of more than one million that provides a public health
12 service or benefit:

13 (1) shall provide the service or benefit without
14 regard to a person's immigration status; and

15 (2) may not deny the service or benefit solely because
16 of a person's immigration status.

17 (b) A hospital district that violates Subsection (a) is
18 liable to the state for a civil penalty of \$1,000 for each
19 violation.

20 (c) The attorney general may bring an action to recover a
21 civil penalty authorized under Subsection (b).

22 (d) The attorney general may recover reasonable expenses
23 incurred in obtaining a civil penalty under Subsection (b),
24 including court costs, reasonable attorney's fees, investigative
25 costs, witness fees, and deposition expenses.

26 SECTION 4. This Act takes effect September 1, 2007.