

By: Hunter, Callegari, Hughes, Button,
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H.B. No. 816

Substitute the following for H.B. No. 816:

By: Huberty

C.S.H.B. No. 816

A BILL TO BE ENTITLED

1 AN ACT
2 relating to coverage provided by certain qualified health plans for
3 abortions.

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

5 SECTION 1. Title 8, Insurance Code, is amended by adding
6 Subtitle K to read as follows:

7 SUBTITLE K. FEDERAL PATIENT PROTECTION AND AFFORDABLE CARE ACT

8 CHAPTER 1671. COVERAGE FOR ABORTION; PROHIBITIONS AND REQUIREMENTS

9 Sec. 1671.001. DEFINITIONS. In this chapter:

10 (1) "Abortion" has the meaning assigned by Section
11 171.002, Health and Safety Code.

12 (2) "Health benefit exchange" means an American Health
13 Benefit Exchange administered by the federal government or created
14 pursuant to Section 1311(b) of the Patient Protection and
15 Affordable Care Act (Pub. L. No. 111-148).

16 (3) "Qualified health plan" has the meaning assigned
17 by Section 1301(a) of the Patient Protection and Affordable Care
18 Act (Pub. L. No. 111-148).

19 Sec. 1671.002. PROHIBITED COVERAGE THROUGH HEALTH BENEFIT
20 EXCHANGE. (a) A qualified health plan offered through a health
21 benefit exchange may not provide coverage for an abortion other
22 than coverage for an abortion performed when a condition exists,
23 based on reasonable medical judgment, that complicates the medical
24 condition of the pregnant woman or pregnant minor to an extent that:

1 (1) the immediate abortion of her pregnancy is
2 necessary to avert her death; or

3 (2) a delay in performing the abortion creates a
4 serious risk of substantial and irreversible physical impairment of
5 a major bodily function, other than a psychological or emotional
6 condition.

7 (b) Subsections (a)(1) and (2) do not authorize coverage for
8 an abortion based on a potential future medical condition that may
9 result from a voluntary act of the woman or minor after the abortion
10 is performed.

11 (c) This section does not prevent a person from purchasing
12 optional or supplemental coverage for abortions under a health
13 benefit plan other than a qualified health plan offered through a
14 health benefit exchange.

15 SECTION 2. This Act applies only to a qualified health plan
16 offered through a health benefit exchange that is delivered, issued
17 for delivery, or renewed on or after January 1, 2012. A qualified
18 health plan offered through a health benefit exchange that is
19 delivered, issued for delivery, or renewed before January 1, 2012,
20 is governed by the law as it existed immediately before the
21 effective date of this Act, and that law is continued in effect for
22 that purpose.

23 SECTION 3. This Act takes effect September 1, 2011.