

By: Zerwas

H.B. No. 1166

A BILL TO BE ENTITLED

AN ACT

1
2 relating to tobacco cessation programs for certain public employees
3 and their dependents and to the assessment of a fee on certain
4 public employees who use tobacco.

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

6 SECTION 1. Subchapter E, Chapter 1551, Insurance Code, is
7 amended by adding Section 1551.226 to read as follows:

8 Sec. 1551.226. TOBACCO CESSATION COVERAGE. (a) The board
9 of trustees shall develop a plan for providing under any health
10 benefit plan provided under the group benefits program tobacco
11 cessation coverage for participants.

12 (b) The plan developed under Subsection (a) must include
13 coverage for prescription drugs that aid participants in ceasing
14 the use of tobacco products.

15 SECTION 2. Subchapter G, Chapter 1551, Insurance Code, is
16 amended by adding Section 1551.3075 to read as follows:

17 Sec. 1551.3075. TOBACCO USER FEE. (a) The board of
18 trustees shall assess each participant in a health benefit plan
19 provided under the group benefits program who uses one or more
20 tobacco products a tobacco user fee, to be paid in monthly
21 installments. Except as provided by Subsection (b), the board of
22 trustees shall determine the amount of the monthly installments of
23 the fee.

24 (b) If the General Appropriations Act for a state fiscal

1 biennium sets the amount of the monthly installments of the tobacco
2 user fee for that biennium, the board of trustees shall assess the
3 fee during that biennium in the amount prescribed by the General
4 Appropriations Act.

5 SECTION 3. Section 1551.314, Insurance Code, is amended to
6 read as follows:

7 Sec. 1551.314. CERTAIN STATE CONTRIBUTIONS PROHIBITED. A
8 state contribution may not be:

9 (1) made for coverages under this chapter selected by
10 an individual who receives a state contribution, other than as a
11 spouse, dependent, or beneficiary, for coverages under a group
12 benefits program provided by an institution of higher education, as
13 defined by Section 61.003, Education Code; or

14 (2) made for or used to pay a tobacco user fee assessed
15 under Section 1551.3075.

16 SECTION 4. The heading to Subchapter E, Chapter 1575,
17 Insurance Code, is amended to read as follows:

18 SUBCHAPTER E. CONTRIBUTIONS AND COSTS

19 SECTION 5. Subchapter E, Chapter 1575, Insurance Code, is
20 amended by adding Section 1575.2055 to read as follows:

21 Sec. 1575.2055. TOBACCO USER FEE. The trustee may assess
22 each participant in a health benefit plan provided under the group
23 program who uses one or more tobacco products a tobacco user fee, to
24 be paid in monthly installments in an amount determined by the
25 trustee. A state contribution or public school contribution may
26 not be made for or used to pay a tobacco user fee assessed under this
27 section.

1 SECTION 6. The heading to Subchapter F, Chapter 1579,
2 Insurance Code, is amended to read as follows:

3 SUBCHAPTER F. CONTRIBUTIONS AND COSTS

4 SECTION 7. Subchapter F, Chapter 1579, Insurance Code, is
5 amended by adding Section 1579.256 to read as follows:

6 Sec. 1579.256. TOBACCO USER FEE. The trustee may assess
7 each participant in a health coverage plan provided under the
8 program who uses one or more tobacco products a tobacco user fee, to
9 be paid in monthly installments in an amount determined by the
10 trustee. A state contribution or a contribution made by a
11 participating entity may not be made for or used to pay a tobacco
12 user fee assessed under this section.

13 SECTION 8. Subchapter E, Chapter 1601, Insurance Code, is
14 amended by adding Section 1601.2025 to read as follows:

15 Sec. 1601.2025. TOBACCO USER FEE. The system may assess
16 each participant in the group health benefits program who uses one
17 or more tobacco products a tobacco user fee, to be paid in monthly
18 installments in an amount determined by the system. A system
19 contribution may not be made for or used to pay a tobacco user fee
20 assessed under this section.

21 SECTION 9. The board of trustees of the Employees
22 Retirement System of Texas shall develop and fully implement the
23 plan for providing tobacco cessation coverage as required by
24 Section 1551.226, Insurance Code, as added by this Act, and
25 implement the tobacco user fee required under Section 1551.3075,
26 Insurance Code, as added by this Act, not later than January 1,
27 2012.

1 SECTION 10. This Act takes effect September 1, 2011.