

BILL ANALYSIS

Senate Research Center
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H.B. 3105
By: Morrison; Carter (Deuell)
State Affairs
5/11/2013
Engrossed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

A provision commonly referred to as the alcohol exclusion provision of the National Association of Insurance Commissioners (NAIC) model Uniform Accident and Sickness Policy Provision Law permits an insurer to refuse to accept a claim for a loss sustained as a consequence of an insured's being intoxicated or under the influence of certain drugs. However, interested parties report that scientific advances in understanding substance abuse and the development of effective alcohol treatment have compelled the NAIC to reverse its position and instead recommend that states repeal their alcohol exclusion law. Such parties contend that other states have repealed that provision because it may deter hospitals from performing routine screening for drug and alcohol use disorder. H.B. 3105 seeks to align Texas law with model national insurance law standards in an effort to encourage the screening, brief intervention, and referral to treatment of persons showing indications of drug or alcohol problems in hospital emergency rooms.

H.B. 3105 amends current law relating to availability of certain benefits under individual accident and health insurance policies.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Repealer: Section 1201.227 (Policy Provision: Intoxicants and Narcotics), Insurance Code.

SECTION 2. Provides that the change in law made by this Act applies only to an individual accident and health insurance policy that is delivered, issued for delivery, or renewed on or after January 1, 2014. Provides that an individual accident and health insurance policy that is delivered, issued for delivery, or renewed before January 1, 2014, is governed by the law as it existed immediately before the effective date of this Act, and that law is continued in effect for that purpose.

SECTION 3. Effective date: September 1, 2013.