

By: Carter

H.B. No. 3814

Substitute the following for H.B. No. 3814:

By: Eiland

C.S.H.B. No. 3814

A BILL TO BE ENTITLED

1 AN ACT
2 relating to availability of certain benefits under individual
3 accident and health insurance policies.

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

5 SECTION 1. Section 1201.227, Insurance Code, is amended to
6 read as follows:

7 Sec. 1201.227. POLICY PROVISION: INTOXICANTS AND
8 NARCOTICS. (a) Except as provided by Subsection (b), an [An]
9 individual accident and health insurance policy must contain the
10 following provision if the policy addresses the subject matter of
11 the provision:

12 "Intoxicants and Narcotics: The insurer is not liable for
13 any loss sustained or contracted in consequence of the insured's
14 being intoxicated or under the influence of any narcotic unless the
15 narcotic is administered on the advice of a physician."

16 (b) An individual accident and health insurance policy that
17 provides coverage for medical, hospital, and surgical expenses
18 incurred by an insured may not contain the provision described by
19 Subsection (a) unless the insurer provides notice to the insured of
20 the provision and gives the insured an option to purchase a rider or
21 endorsement that provides coverage for any loss sustained or
22 contracted in consequence of the insured's being intoxicated or
23 under the influence of any narcotic, regardless of whether the
24 narcotic is administered on the advice of a physician.

1 SECTION 2. The change in law made by this Act applies only
2 to an individual accident and health insurance policy that is
3 delivered, issued for delivery, or renewed on or after January 1,
4 2014. An individual accident and health insurance policy that is
5 delivered, issued for delivery, or renewed before January 1, 2014,
6 is governed by the law as it existed immediately before the
7 effective date of this Act, and that law is continued in effect for
8 that purpose.

9 SECTION 3. This Act takes effect September 1, 2013.