

By: Carter

H.B. No. 3814

A BILL TO BE ENTITLED

AN ACT

relating to certain limitations in health benefit plans and health insurance policies.

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

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

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

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

(b) An individual accident and health insurance policy may not contain the provision described by Subsection (a) unless the insured is given notice of such policy and an option to opt out of Subsection (a). An insured may purchase an optional rider to provide coverage such that the insurer is liable for any loss sustained or contracted in consequence of the insured's being intoxicated or under the influence of any narcotic if the narcotic is not administered on the advice of a physician.

SECTION 2. The change in law made by this Act applies only

1 to a health benefit plan that is delivered, issued for delivery, or  
2 renewed on or after January 1, 2014. A health benefit plan that is  
3 delivered, issued for delivery, or renewed before January 1, 2014,  
4 is governed by the law in effect immediately before the effective  
5 date of this Act, and that law is continued in effect for that  
6 purpose.

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