

By: Turner of Tarrant

H.B. No. 817

A BILL TO BE ENTITLED

AN ACT

1
2 relating to the contingent establishment of a health benefit
3 exchange tailored to the needs of the state.

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

5 SECTION 1. (a) The Health and Human Services Commission,
6 the Texas Department of Insurance, or the commission in conjunction
7 with the department, shall negotiate with the appropriate federal
8 entity for authorization to develop a state health benefit
9 exchange. The negotiated authorization must allow the state health
10 benefit exchange to be flexible, patient-friendly, tailored to the
11 needs of the state, and similar to the health benefit exchange
12 described in the Patient Protection and Affordable Care Act (Pub.
13 L. No. 111-148).

14 (b) If the appropriate federal entity authorizes a state
15 health benefit exchange described in Subsection (a) of this
16 section, the Health and Human Services Commission, the Texas
17 Department of Insurance, or the commission in conjunction with the
18 department, shall develop and implement the health benefit
19 exchange.

20 SECTION 2. (a) This Act takes effect on the 91st day after
21 the date of publication in the Texas Register by the attorney
22 general of a finding that federal tax-credit subsidies do not
23 extend to health insurance coverage purchased through a health
24 insurance exchange established or operated by the federal

1 government under Section 1321, Patient Protection and Affordable
2 Care Act (42 U.S.C. Section 18041).

3 (b) The attorney general shall monitor federal
4 constitutional law and federal court cases related to the extension
5 of federal tax-credit subsidies to health insurance coverage
6 purchased through a health insurance exchange established or
7 operated by the federal government under Section 1321, Patient
8 Protection and Affordable Care Act (42 U.S.C. Section 18041). The
9 attorney general may make the finding described by Subsection (a)
10 of this section at any time the attorney general determines the
11 finding is warranted and shall make the finding not later than the
12 60th day after the date of issuance of a United States Supreme Court
13 action under which the finding is required.

14 SECTION 3. This Act takes effect immediately if it receives
15 a vote of two-thirds of all the members elected to each house, as
16 provided by Section 39, Article III, Texas Constitution. If this
17 Act does not receive the vote necessary for immediate effect, this
18 Act takes effect September 1, 2015.