

By: King of Parker

H.B. No. 2467

A BILL TO BE ENTITLED

1 AN ACT  
2 relating to the exclusion from the premium and maintenance tax base  
3 of federal fees imposed on insurers and other providers under the  
4 Patient Protection and Affordable Care Act, and recouped from  
5 policyholders, whether separately stated or through rates charged  
6 for health care coverage.

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

8 SECTION 1. Sec. [222.002](#), Insurance Code, is amended by  
9 adding Subsection (c)(7) to read as follows:

10 (c) The following are not included in determining an  
11 insurer's taxable gross premiums or a health maintenance  
12 organization's taxable gross revenues:

- 13 (1) returned premiums or revenues;
- 14 (2) dividends applied to purchase paid-up additions to  
15 insurance or to shorten the endowment or premium payment period;
- 16 (3) premiums received from an insurer for reinsurance;
- 17 (4) premiums or revenues received from the treasury of  
18 the United States for insurance or benefits contracted for by the  
19 federal government in accordance with or in furtherance of Title  
20 XVIII of the Social Security Act (42 U.S.C. Section 1395c et seq.)  
21 and its subsequent amendments;
- 22 (5) premiums or revenues paid on group health,  
23 accident, and life policies or contracts in which the group covered  
24 by the policy or contract consists of a single nonprofit trust

1 established to provide coverage primarily for employees of:

2 (A) a municipality, county, or hospital district  
3 in this state; or

4 (B) a county or municipal hospital, without  
5 regard to whether the employees are employees of the county or  
6 municipality or of an entity operating the hospital on behalf of the  
7 county or municipality; ~~or~~

8 (6) premiums or revenues excluded by another law of  
9 this state~~[-]~~; or

10 (7) additional premiums, revenues, or other fees,  
11 whether separately stated or built into the rates charged for  
12 coverage, under the Patient Protection and Affordable Care Act, and  
13 specific to the recoupment of Health Insurance Provider fees due  
14 under Section 9010 of that Act.

15 SECTION 2. Section 257.003, Insurance Code, is amended by  
16 adding Subsection (b)(3) to read as follows:

17 (b) The gross premiums on which an assessment is based under  
18 this chapter may not include:

19 (1) premiums received from the United States for  
20 insurance contracted for by the United States in accordance with or  
21 in furtherance of Title XVIII of the Social Security Act (42 U.S.C.  
22 Section 1395c et seq.) and its subsequent amendments; or

23 (2) premiums paid on group health, accident, and life  
24 policies in which the group covered by the policy consists of a  
25 single nonprofit trust established to provide coverage primarily  
26 for employees of:

27 (A) a municipality, county, or hospital district

1 in this state; or

2 (B) a county or municipal hospital, without  
3 regard to whether the employees are employees of the county or  
4 municipality or of an entity operating the hospital on behalf of the  
5 county or municipality~~[-]~~; or

6 (3) additional premiums, revenues, or other fees,  
7 whether separately stated or built into the rates charged for  
8 coverage, under the Patient Protection and Affordable Care Act,  
9 and specific to the recoupment of Health Insurance Provider fees  
10 due under Section 9010 of that Act.

11 SECTION 3. This Act shall apply to premium taxes paid on or  
12 after January 1, 2013.

13 SECTION 4. This Act takes immediately if it receives a vote  
14 of two-thirds of all the members elected to each house, as provided  
15 by Section 39, Article III, Texas Constitution. If this Act does not  
16 receive the vote necessary for immediate effect, this Act shall  
17 take effect on September 1, 2015.