

By: Farney, Morrison, Smithee, Burkett,  
Harless, et al.

H.B. No. 3130

Substitute the following for H.B. No. 3130:

By: Cook

C.S.H.B. No. 3130

A BILL TO BE ENTITLED

1 AN ACT

2 relating to coverage provided by certain health plans and health  
3 benefit plans for abortions.

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

5 SECTION 1. Title 8, Insurance Code, is amended by adding  
6 Subtitle L to read as follows:

7 SUBTITLE L. FEDERAL PATIENT PROTECTION AND AFFORDABLE CARE ACT

8 CHAPTER 1692. COVERAGE FOR ABORTION; PROHIBITIONS AND REQUIREMENTS

9 Sec. 1692.001. DEFINITIONS. In this chapter:

10 (1) "Abortion" has the meaning assigned by Section  
11 171.002, Health and Safety Code.

12 (2) "Health benefit exchange" means an American Health  
13 Benefit Exchange administered by the federal government or created  
14 under Section 1311(b), Patient Protection and Affordable Care Act  
15 (42 U.S.C. Section 18031(b)).

16 (3) "Qualified health plan" has the meaning assigned  
17 by Section 1301(a), Patient Protection and Affordable Care Act (42  
18 U.S.C. Section 18021(a)).

19 Sec. 1692.002. PROHIBITED COVERAGE THROUGH HEALTH BENEFIT  
20 EXCHANGE. (a) A qualified health plan offered through a health  
21 benefit exchange may not provide coverage for an abortion other  
22 than coverage for an abortion performed when a life-threatening  
23 physical condition exists, based on reasonable medical judgment,  
24 that complicates the medical condition of the pregnant woman or

1 pregnant minor to an extent that:

2 (1) the immediate abortion of her pregnancy is  
3 necessary to avert her death; or

4 (2) a delay in performing the abortion creates a  
5 serious risk of substantial and irreversible physical impairment of  
6 a major bodily function, other than a psychological or emotional  
7 condition.

8 (b) Subsection (a) does not authorize coverage for an  
9 abortion based on a potential future medical condition that may  
10 result from a voluntary act of the woman or minor.

11 (c) This section does not prevent a person from purchasing  
12 optional or supplemental coverage for abortion under a health  
13 benefit plan other than a qualified health plan offered through a  
14 health benefit exchange.

15 SECTION 2. Subtitle A, Title 8, Insurance Code, is amended  
16 by adding Chapter 1218 to read as follows:

17 CHAPTER 1218. COVERAGE FOR ABORTION; PROHIBITIONS AND REQUIREMENTS

18 Sec. 1218.001. DEFINITION. In this chapter, "abortion" has  
19 the meaning assigned by Section 171.002, Health and Safety Code.

20 Sec. 1218.002. APPLICABILITY OF CHAPTER. (a) This chapter  
21 applies to group health coverage made available by a school  
22 district in accordance with Section 22.004, Education Code.

23 (b) Notwithstanding any provision in Chapter 1551, 1575,  
24 1579, or 1601 or any other law, this chapter applies to:

25 (1) a basic coverage plan under Chapter 1551;

26 (2) a basic plan under Chapter 1575;

27 (3) a primary care coverage plan under Chapter 1579;

1 and

2 (4) basic coverage under Chapter 1601.

3 Sec. 1218.003. COVERAGE BY HEALTH BENEFIT PLAN. (a) Except  
4 as provided by Subsection (b), a health benefit plan may provide  
5 coverage for abortion only if:

6 (1) the coverage is provided to an enrollee separately  
7 from other health benefit plan coverage offered by the health  
8 benefit plan issuer;

9 (2) an enrollee pays separately from, and in addition  
10 to, the premium for other health benefit plan coverage a premium for  
11 coverage for abortion; and

12 (3) an enrollee provides a signature for coverage for  
13 abortion, separately and distinct from the signature required for  
14 other health benefit plan coverage offered by the health benefit  
15 plan issuer.

16 (b) Notwithstanding Subsection (a), a health benefit plan  
17 may provide coverage for an abortion performed when a  
18 life-threatening physical condition exists, based on the  
19 performing physician's reasonable medical judgment, that  
20 complicates the medical condition of a pregnant enrollee to the  
21 extent that the abortion of her pregnancy is necessary to prevent  
22 her death or a serious risk of substantial and irreversible  
23 physical impairment of a major bodily function of the enrollee,  
24 other than a psychological or emotional condition.

25 (c) Subsection (b) does not authorize coverage for an  
26 abortion based on a potential future medical condition that may  
27 result from a voluntary act of the enrollee.

1       Sec. 1218.004. CALCULATION OF PREMIUM. (a) A health  
2 benefit plan issuer that provides coverage for abortion shall  
3 calculate the premium for the coverage so that the premium fully  
4 covers the estimated cost of abortion per enrollee, determined on  
5 an average actuarial basis.

6       (b) In calculating a premium under Subsection (a), the  
7 health benefit plan issuer may not take into account any cost  
8 savings in other health benefit plan coverage offered by the health  
9 benefit plan issuer that is estimated to result from coverage for  
10 abortion, including costs associated with prenatal care, delivery,  
11 or postnatal care.

12       (c) A health benefit plan issuer that provides coverage  
13 other than coverage for abortion may not provide a premium discount  
14 to or reduce the premium for an enrollee for coverage other than  
15 coverage for abortion on the basis that the enrollee has health  
16 benefit plan coverage for abortion.

17       Sec. 1218.005. NOTICE BY ISSUER. A health benefit plan  
18 issuer that provides coverage for abortion shall at the time of  
19 enrollment in the health benefit plan provide each enrollee with a  
20 notice that:

21               (1) coverage for abortion is optional and separate  
22 from other health benefit plan coverage offered by the health  
23 benefit plan issuer;

24               (2) the premium cost for coverage for abortion is a  
25 premium paid separately from, and in addition to, the premium for  
26 other health benefit plan coverage offered by the health benefit  
27 plan issuer; and

1           (3) the enrollee may enroll in a health benefit plan  
2 that provides coverage other than coverage for abortion without  
3 obtaining coverage for abortion.

4           Sec. 1218.006. ACCEPTANCE OR REJECTION OF SUPPLEMENTAL  
5 COVERAGE BY EMPLOYEES AND GROUP MEMBERS. Each employee or group  
6 member participating in a health benefit plan subject to this  
7 chapter must have an opportunity to accept or reject supplemental  
8 coverage for abortion:

9           (1) at the beginning of employment or when the group  
10 member's coverage begins, as applicable; and

11           (2) at least one time in each calendar year after the  
12 first year of employment or group coverage.

13           SECTION 3. (a) Chapter 1692, Insurance Code, as added by  
14 this Act, applies only to a qualified health plan offered through a  
15 health benefit exchange that is delivered, issued for delivery, or  
16 renewed on or after January 1, 2016. A qualified health plan  
17 offered through a health benefit exchange that is delivered, issued  
18 for delivery, or renewed before January 1, 2016, is governed by the  
19 law as it existed immediately before the effective date of this Act,  
20 and that law is continued in effect for that purpose.

21           (b) Chapter 1218, Insurance Code, as added by this Act,  
22 applies only to a health benefit plan that is delivered, issued for  
23 delivery, or renewed for a plan year beginning on or after September  
24 1, 2015. A health benefit plan that is delivered, issued for  
25 delivery, or renewed for a plan year beginning before September 1,  
26 2015, is governed by the law as it existed immediately before the  
27 effective date of this Act, and that law is continued in effect for

1 that purpose.

2 SECTION 4. This Act takes effect September 1, 2015.