By: Smithee, Phillips, Bonnen of Galveston, Bonnen of Brazoria, Laubenberg, et al.

H.B. No. 214

A BILL TO BE ENTITLED

Τ	AN ACT
2	relating to health plan and health benefit plan coverage for
3	elective abortion.
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 M to read as follows:
7	SUBTITLE M. FEDERAL PATIENT PROTECTION AND AFFORDABLE CARE ACT
8	CHAPTER 1695. LEGISLATIVE CONSIDERATIONS
9	Sec. 1695.001. CONSTITUTIONALITY OF PATIENT PROTECTION AND
10	AFFORDABLE CARE ACT. This subtitle does not constitute an
11	acknowledgment by the legislature of the legitimacy of the Patient
12	Protection and Affordable Care Act (Pub. L. No. 111-148) as a
13	constitutional exercise of the power of the United States Congress.
14	CHAPTER 1696. COVERAGE FOR ELECTIVE ABORTION; PROHIBITIONS AND
15	REQUIREMENTS
16	Sec. 1696.001. DEFINITIONS. In this chapter:
17	(1) "Elective abortion" means an abortion, as defined
18	by Section 245.002, Health and Safety Code, other than an abortion
19	performed due to a medical emergency as defined by Section 171.002,
20	Health and Safety Code.
21	(2) "Health benefit exchange" means an American Health
22	Benefit Exchange administered by the federal government or created
23	under Section 1311(b) of the Patient Protection and Affordable Care

24

Act (42 U.S.C. Section 18031(b)).

(3) "Qualified health plan" has the meaning assigned 1 by Section 1301(a) of the Patient Protection and Affordable Care 2 3 Act (42 U.S.C. Section 18021(a)). 4 Sec. 1696.002. PROHIBITED COVERAGE THROUGH HEALTH BENEFIT 5 EXCHANGE. (a) A qualified health plan offered through a health benefit exchange may not provide coverage for elective abortion. 6 7 (b) This section does not prevent a person from purchasing 8 optional or supplemental coverage for elective abortion under a health benefit plan other than a qualified health plan offered 9 10 through a health benefit exchange. SECTION 2. Subtitle A, Title 8, Insurance Code, is amended 11 12 by adding Chapter 1218 to read as follows: CHAPTER 1218. COVERAGE FOR ELECTIVE ABORTION; PROHIBITIONS AND 13 14 REQUIREMENTS 15 Sec. 1218.001. DEFINITION. In this chapter, "elective abortion" means an abortion, as defined by Section 245.002, Health 16 17 and Safety Code, other than an abortion performed due to a medical emergency as defined by Section 171.002, Health and Safety Code. 18 19 Sec. 1218.002. APPLICABILITY OF CHAPTER. (a) This chapter applies only to a health benefit plan that provides benefits for 20 21 medical or surgical expenses incurred as a result of a health condition, accident, or sickness, including an individual, group, 22 blanket, or franchise insurance policy or insurance agreement, a 23 24 group hospital service contract, or an individual or group evidence of coverage or similar coverage document that is offered by: 25

(2) a group hospital service corporation operating

(1) an insurance company;

26

27

```
1
   under Chapter 842;
2
               (3) a fraternal benefit society operating under
   Chapter 885;
 3
4
               (4) a stipulated premium company operating under
5
   Chapter 884;
6
               (5) an exchange operating under Chapter 942;
7
               (6) a health maintenance organization operating under
8
   Chapter 843;
9
               (7) a multiple employer welfare arrangement that holds
   a cert<u>ificate of authority under Chapter 846; or</u>
10
               (8) an approved nonprofit health corporation that
11
12
   holds a certificate of authority under Chapter 844.
          (b) This chapter applies to group health coverage made
13
14
   available by a school district in accordance with Section 22.004,
15
   Education Code.
         (c) Notwithstanding any provision in Chapter 1551, 1575,
16
17
   1579, or 1601 or any other law, this chapter applies to:
18
               (1) a basic coverage plan under Chapter 1551;
19
               (2) a basic plan under Chapter 1575;
20
               (3) a primary care coverage plan under Chapter 1579;
   and
21
               (4) basic coverage under Chapter 1601.
22
          (d) Notwithstanding Section 1501.251 or any other law, this
23
24
   chapter applies to coverage under a small or large employer health
   benefit plan subject to Chapter 1501.
25
          (e) Notwithstanding Section 1507.003 or 1507.053 or any
26
   other law, this chapter applies to a standard health benefit plan
27
```

- 1 provided under Chapter 1507.
- 2 Sec. 1218.003. CERTAIN COVERAGE NOT AFFECTED. This chapter
- 3 does not apply to health benefit plan coverage provided to an
- 4 enrollee for any abortion other than an elective abortion as
- 5 defined by Section 1218.001.
- 6 Sec. 1218.004. COVERAGE BY HEALTH BENEFIT PLAN. A health
- 7 benefit plan may provide coverage for elective abortion only if:
- 8 (1) the coverage is provided to an enrollee separately
- 9 from other health benefit plan coverage offered by the health
- 10 benefit plan issuer;
- 11 (2) the enrollee pays the premium for coverage for
- 12 elective abortion separately from, and in addition to, the premium
- 13 for other health benefit plan coverage, if any; and
- 14 (3) the enrollee provides a signature for coverage for
- 15 elective abortion, separately and distinct from the signature
- 16 required for other health benefit plan coverage, if any, provided
- 17 to the enrollee by the health benefit plan issuer.
- 18 Sec. 1218.005. CALCULATION OF PREMIUM. (a) A health
- 19 benefit plan issuer that provides coverage for elective abortion
- 20 shall calculate the premium for the coverage so that the premium
- 21 fully covers the estimated cost of elective abortion per enrollee,
- 22 determined on an actuarial basis.
- (b) In calculating a premium under Subsection (a), the
- 24 health benefit plan issuer may not take into account any cost
- 25 savings in other health benefit plan coverage offered by the health
- 26 benefit plan issuer that is estimated to result from coverage for
- 27 elective abortion.

- 1 (c) A health benefit plan issuer may not provide a premium
- 2 discount to or reduce the premium for an enrollee for other health
- 3 benefit plan coverage on the basis that the enrollee has coverage
- 4 for elective abortion.
- 5 Sec. 1218.006. NOTICE BY ISSUER. A health benefit plan
- 6 issuer that provides coverage for elective abortion shall at the
- 7 time of enrollment in other health benefit plan coverage provide
- 8 each enrollee with a notice that:
- 9 (1) coverage for elective abortion is optional and
- 10 separate from other health benefit plan coverage offered by the
- 11 health benefit plan issuer;
- 12 (2) the premium cost for coverage for elective
- 13 abortion is a premium paid separately from, and in addition to, the
- 14 premium for other health benefit plan coverage offered by the
- 15 health benefit plan issuer; and
- 16 (3) the enrollee may enroll in a health benefit plan
- 17 without obtaining coverage for elective abortion.
- SECTION 3. This Act applies only to a qualified health plan
- 19 offered through a health benefit exchange or a health benefit plan
- 20 that is delivered, issued for delivery, or renewed on or after April
- 21 1, 2018. A qualified health plan offered through a health benefit
- 22 exchange or a health benefit plan that is delivered, issued for
- 23 delivery, or renewed before April 1, 2018, is governed by the law as
- 24 it existed immediately before the effective date of this Act, and
- 25 that law is continued in effect for that purpose.
- SECTION 4. This Act takes effect December 1, 2017.