

By: Swanson

H.B. No. 4523

A BILL TO BE ENTITLED

AN ACT

1
2 relating to prohibited actions regarding health benefit plan
3 coverage for enrollees who refuse to have an abortion; providing
4 civil penalties.

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

6 SECTION 1. Subchapter A, Chapter 1454, Insurance Code, is
7 amended by adding Section 1454.003 to read as follows:

8 Sec. 1454.003. LOSS OF COVERAGE FOR ABORTION REFUSAL
9 PROHIBITED. (a) A health benefit plan issuer may not condition
10 continued health benefit coverage for an enrollee on the enrollee
11 having or require the enrollee to have an abortion regardless of
12 whether a physician or health care practitioner has diagnosed the
13 enrollee's unborn child as unviable or having a fetal abnormality.

14 (b) The attorney general shall monitor enforcement of this
15 section and establish a complaint system for a person to report a
16 violation of this section. The attorney general shall notify the
17 department of a valid complaint.

18 (c) In addition to a sanction under Chapter 82, an
19 administrative penalty under Chapter 84, or any other enforcement
20 authorized under Subtitle B, Title 2, a health benefit plan issuer
21 that violates this section is subject to a civil penalty in an
22 amount of not more than \$1,000 for each violation and for each day
23 of a continuing violation. The attorney general may recover
24 reasonable attorney's fees and costs incurred in bringing a suit to

1 recover the civil penalty.

2 SECTION 2. The heading to Chapter 1696, Insurance Code, is
3 amended to read as follows:

4 CHAPTER 1696. COVERAGE FOR AND REQUIREMENT TO HAVE ELECTIVE
5 ABORTION; PROHIBITIONS AND REQUIREMENTS

6 SECTION 3. Chapter 1696, Insurance Code, is amended by
7 adding Section 1696.003 to read as follows:

8 Sec. 1696.003. LOSS OF COVERAGE FOR ABORTION REFUSAL
9 PROHIBITED. (a) An issuer of a qualified plan offered through a
10 health benefit exchange may not condition continued health benefit
11 coverage for an enrollee on the enrollee having or require the
12 enrollee to have an abortion regardless of whether a physician or
13 health care practitioner has diagnosed the enrollee's unborn child
14 as unviable or having a fetal abnormality.

15 (b) The attorney general shall monitor enforcement of this
16 section and establish a complaint system for a person to report a
17 violation of this section. The attorney general shall notify the
18 department of a valid complaint.

19 (c) In addition to a sanction under Chapter 82, an
20 administrative penalty under Chapter 84, or any other enforcement
21 authorized under Subtitle B, Title 2, an issuer of a qualified plan
22 offered through a health benefit exchange that violates this
23 section is subject to a civil penalty in an amount of not more than
24 \$1,000 for each violation and for each day of a continuing
25 violation. The attorney general may recover reasonable attorney's
26 fees and costs incurred in bringing a suit to recover the civil
27 penalty.

1 SECTION 4. The changes in law made by this Act apply only to
2 a health benefit or qualified plan delivered, issued for delivery,
3 or renewed on or after January 1, 2020.

4 SECTION 5. This Act takes effect September 1, 2019.