87R1661 SCL-D

By:  Swanson H.B. No. 42

A BILL TO BE ENTITLED

AN ACT

relating to prohibited actions regarding health benefit plan coverage for enrollees who refuse to have an abortion; providing a civil penalty.

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

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

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

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

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

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

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

SECTION 3.  The heading to Section 1696.002, Insurance Code, is amended to read as follows:

Sec. 1696.002.  PROHIBITED COVERAGE AND REQUIREMENTS THROUGH HEALTH BENEFIT EXCHANGE.

SECTION 4.  Chapter 1696, Insurance Code, is amended by adding Section 1696.003 to read as follows:

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

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

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

SECTION 5.  The changes in law made by this Act apply only to a health benefit or qualified plan delivered, issued for delivery, or renewed on or after January 1, 2022.

SECTION 6.  This Act takes effect September 1, 2021.