

By: Swanson

H.B. No. 42

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 a  
4 civil penalty.

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

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

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

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

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

23 (c) In addition to a sanction under Chapter 82, an  
24 administrative penalty under Chapter 84, or any other enforcement  
25 authorized under Subtitle B, Title 2, an issuer of a qualified plan  
26 offered through a health benefit exchange that violates this  
27 section is subject to a civil penalty in an amount of not more than

1 \$1,000 for each violation and for each day of a continuing  
2 violation. The attorney general may recover reasonable attorney's  
3 fees and costs incurred in bringing a suit to recover the civil  
4 penalty.

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

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