

By: Middleton, Cook, et al.

H.B. No. 3028

A BILL TO BE ENTITLED

AN ACT

relating to vaccination requirements for health benefit plans or insurance policies provided to business entities.

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

SECTION 1. Chapter 544, Insurance Code, is amended by adding Subchapter M to read as follows:

SUBCHAPTER M. VACCINATION STATUS

Sec. 544.601. APPLICABILITY OF SUBCHAPTER. (a) This subchapter applies to the issuer of a health benefit plan that provides benefits for medical or surgical expenses incurred as a result of a health condition, accident, or sickness, including a group, blanket, or franchise insurance policy or insurance agreement, a group hospital service contract, or a group evidence of coverage or similar coverage document that is offered by:

(1) an insurance company;

(2) a group hospital service corporation operating under Chapter 842;

(3) a health maintenance organization operating under Chapter 843;

(4) an approved nonprofit health corporation that holds a certificate of authority under Chapter 844;

(5) a multiple employer welfare arrangement that holds a certificate of authority under Chapter 846;

(6) a stipulated premium company operating under

1 Chapter 884;

2 (7) a fraternal benefit society operating under

3 Chapter 885;

4 (8) a Lloyd's plan operating under Chapter 941; or

5 (9) an exchange operating under Chapter 942.

6 (b) Notwithstanding any other law, this subchapter applies  
7 to:

8 (1) a small employer health benefit plan subject to  
9 Chapter 1501, including coverage provided through a health group  
10 cooperative under Subchapter B of that chapter; and

11 (2) a standard health benefit plan issued under  
12 Chapter 1507.

13 (c) This subchapter applies to a life insurance company  
14 that:

15 (1) issues or delivers a life insurance policy in this  
16 state; or

17 (2) is organized under the laws of this state.

18 (d) This subchapter applies to an insurer offering a  
19 property and casualty insurance policy to a business entity.

20 Sec. 544.602. VACCINATION REQUIREMENTS PROHIBITED. An  
21 insurer or other issuer offering a health benefit plan, life  
22 insurance policy, property and casualty insurance policy, or any  
23 other insurance policy written for business entities may not  
24 discriminate against an employee without a vaccination by requiring  
25 as a condition to purchase or maintain coverage, including an  
26 endorsement, that each of the business's employees is vaccinated.

27 SECTION 2. Subchapter M, Chapter 544, Insurance Code, as

H.B. No. 3028

1 added by this Act, applies only to a health benefit plan or  
2 insurance policy delivered, issued for delivery, or renewed on or  
3 after January 1, 2022.

4 SECTION 3. This Act takes effect September 1, 2021.