

By: Hinojosa

S.B. No. 277

A BILL TO BE ENTITLED

AN ACT

relating to health benefit plan coverage of epinephrine auto-injectors for certain individuals.

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

SECTION 1. Chapter 1367, Insurance Code, is amended by adding Subchapter G to read as follows:

SUBCHAPTER G. EPINEPHRINE AUTO-INJECTORS

Sec. 1367.301. DEFINITION. In this subchapter, "epinephrine auto-injector" means a disposable medical drug delivery device that contains a premeasured single dose of epinephrine that is intended to be used to treat anaphylaxis.

Sec. 1367.302. APPLICABILITY OF SUBCHAPTER. (a) This subchapter applies only to a health benefit plan that provides benefits for medical or surgical expenses incurred as a result of a health condition, accident, or sickness, including an individual, group, blanket, or franchise insurance policy or insurance agreement, a group hospital service contract, or an individual or 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;

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

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

5 (6) a stipulated premium company operating under
6 Chapter 884;

7 (7) a fraternal benefit society operating under
8 Chapter 885;

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

10 (9) an exchange operating under Chapter 942.

11 (b) Notwithstanding any other law, this subchapter applies
12 to:

13 (1) a small employer health benefit plan subject to
14 Chapter 1501, including coverage provided through a health group
15 cooperative under Subchapter B of that chapter;

16 (2) a standard health benefit plan issued under
17 Chapter 1507;

18 (3) a basic coverage plan under Chapter 1551;

19 (4) a basic plan under Chapter 1575;

20 (5) a primary care coverage plan under Chapter 1579;

21 (6) a plan providing basic coverage under Chapter
22 1601;

23 (7) health benefits provided by or through a church
24 benefits board under Subchapter I, Chapter 22, Business
25 Organizations Code;

26 (8) the state Medicaid program, including the Medicaid
27 managed care program operated under Chapter 533, Government Code;

1 (9) the child health plan program under Chapter 62,
2 Health and Safety Code;

3 (10) a regional or local health care program operated
4 under Section 75.104, Health and Safety Code;

5 (11) a self-funded health benefit plan sponsored by a
6 professional employer organization under Chapter 91, Labor Code;

7 (12) county employee group health benefits provided
8 under Chapter 157, Local Government Code; and

9 (13) health and accident coverage provided by a risk
10 pool created under Chapter 172, Local Government Code.

11 Sec. 1367.303. COVERAGE REQUIRED. A health benefit plan
12 must provide coverage for the cost of a medically necessary
13 epinephrine auto-injector for a covered individual who is 18 years
14 of age or younger.

15 SECTION 2. Subchapter G, Chapter 1367, Insurance Code, as
16 added by this Act, applies only to a health benefit plan delivered,
17 issued for delivery, or renewed on or after January 1, 2022. A
18 health benefit plan delivered, issued for delivery, or renewed
19 before January 1, 2022, is governed by the law as it existed
20 immediately before the effective date of this Act, and that law is
21 continued in effect for that purpose.

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