

1 AN ACT

2 relating to the applicability of certain provisions mandating the  
3 provision by certain health benefit plans of health benefits  
4 requiring cost defrayal by this state.

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

6 SECTION 1. Chapter 1425, Insurance Code, is amended by  
7 adding Subchapter A, and a heading is added to that subchapter to  
8 read as follows:

9 SUBCHAPTER A. EXCEPTED BENEFITS

10 SECTION 2. Sections 1425.001 and 1425.002, Insurance Code,  
11 are transferred to Subchapter A, Chapter 1425, Insurance Code, as  
12 added by this Act.

13 SECTION 3. Chapter 1425, Insurance Code, is amended by  
14 adding Subchapter B to read as follows:

15 SUBCHAPTER B. BENEFITS REQUIRING DEFRAYAL

16 Sec. 1425.051. DEFINITION. In this subchapter, "qualified  
17 health plan" has the meaning assigned by 45 C.F.R. Section 155.20.

18 Sec. 1425.052. EXEMPTION FROM SUBTITLE FOR BENEFITS  
19 REQUIRING DEFRAYAL. (a) A provision of this subtitle that is  
20 enacted on or after January 1, 2012, does not apply to a qualified  
21 health plan if a determination is made under 45 C.F.R. Section  
22 155.170 that:

23 (1) the provision requires the qualified health plan  
24 to offer benefits in addition to the essential health benefits

1 required under 42 U.S.C. Section 18022(b); and

2 (2) this state must make payments to defray the cost of  
3 the additional benefits mandated by the provision.

4 (b) If a determination described by Subsection (a) is made  
5 as to a qualified health plan, the provision to which the  
6 determination relates does not apply to a non-qualified health plan  
7 if the non-qualified health plan is offered in the same market as  
8 the qualified health plan.

9 SECTION 4. This Act takes effect immediately if it receives  
10 a vote of two-thirds of all the members elected to each house, as  
11 provided by Section 39, Article III, Texas Constitution. If this  
12 Act does not receive the vote necessary for immediate effect, this  
13 Act takes effect September 1, 2021.

S.B. No. 2016

\_\_\_\_\_  
President of the Senate

\_\_\_\_\_  
Speaker of the House

I hereby certify that S.B. No. 2016 passed the Senate on April 19, 2021, by the following vote: Yeas 31, Nays 0.

\_\_\_\_\_  
Secretary of the Senate

I hereby certify that S.B. No. 2016 passed the House on May 26, 2021, by the following vote: Yeas 138, Nays 9, two present not voting.

\_\_\_\_\_  
Chief Clerk of the House

Approved:

\_\_\_\_\_  
Date

\_\_\_\_\_  
Governor