

AN ACT

relating to the authority of a health benefit plan sponsor to consent to electronic delivery of certain communications on behalf of a party enrolled in the plan.

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

SECTION 1. Section 35.001, Insurance Code, is amended by adding Subdivision (4-a) to read as follows:

(4-a) "Plan sponsor" means a person, other than a regulated entity, who establishes, adopts, or maintains a health benefit plan, including a vision or dental benefit plan, that covers residents of this state, including a plan established, adopted, or maintained by an employer or jointly by an employer and one or more employee organizations, an association, a committee, a joint board of trustees, or any similar group of representatives who establish, adopt, or maintain a plan.

SECTION 2. Chapter 35, Insurance Code, is amended by adding Section 35.0041 to read as follows:

Sec. 35.0041. CONSENT TO ELECTRONIC DELIVERY BY PLAN SPONSOR. (a) The plan sponsor of a health benefit plan, including a vision or dental benefit plan, may, on behalf of a party enrolled in the plan, give the consent required by Section 35.004(c)(1).

(b) Before consenting on behalf of a party, a plan sponsor must:

(1) provide the party with the statements required by

1 Sections 35.004(c)(2) and (c)(3)(A);

2 (2) confirm that the party routinely uses electronic
3 communications during the normal course of employment; and

4 (3) provide the party an opportunity to opt out of
5 delivery by electronic means.

6 SECTION 3. The change in law made by this Act applies only
7 to a health benefit plan delivered, issued for delivery, or renewed
8 on or after January 1, 2022.

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

President of the Senate

Speaker of the House

I hereby certify that S.B. No. 2124 passed the Senate on April 29, 2021, by the following vote: Yeas 30, Nays 1; May 27, 2021, Senate refused to concur in House amendments and requested appointment of Conference Committee; May 28, 2021, House granted request of the Senate; May 30, 2021, Senate adopted Conference Committee Report by the following vote: Yeas 30, Nays 1.

Secretary of the Senate

I hereby certify that S.B. No. 2124 passed the House, with amendments, on May 24, 2021, by the following vote: Yeas 146, Nays 0, one present not voting; May 28, 2021, House granted request of the Senate for appointment of Conference Committee; May 30, 2021, House adopted Conference Committee Report by the following vote: Yeas 141, Nays 0, one present not voting.

Chief Clerk of the House

Approved:

Date

Governor