

SENATE AMENDMENTS

2nd Printing

By: Button, Klick, Collier,
Harris of Williamson, Neave Criado,
et al.

H.B. No. 1649

A BILL TO BE ENTITLED

AN ACT

relating to health benefit coverage for certain fertility
preservation services under certain health benefit plans.

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

SECTION 1. Chapter 1366, Insurance Code, is amended by
adding Subchapter C to read as follows:

SUBCHAPTER C. COVERAGE FOR CERTAIN FERTILITY PRESERVATION SERVICES

Sec. 1366.101. 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
issued in this state 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;

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

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

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

6 (9) an exchange operating under Chapter 942.

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

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

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

14 Sec. 1366.102. EXCEPTIONS. This subchapter does not apply
15 to:

16 (1) a health benefit plan that provides coverage:

17 (A) for wages or payments in lieu of wages for a
18 period during which an employee is absent from work because of
19 sickness or injury; or

20 (B) only for hospital expenses;

21 (2) Medicaid managed care programs operated under
22 Chapter 533, Government Code;

23 (3) Medicaid programs operated under Chapter 32, Human
24 Resources Code; or

25 (4) the state child health plan operated under Chapter
26 62 or 63, Health and Safety Code.

27 Sec. 1366.103. REQUIRED COVERAGE. (a) Subject to

1 Subsection (b), a health benefit plan must provide coverage for
2 fertility preservation services to a covered person who will
3 receive a medically necessary treatment, including surgery,
4 chemotherapy, and radiation, that the American Society of Clinical
5 Oncology or the American Society for Reproductive Medicine has
6 established may directly or indirectly cause impaired fertility.

7 (b) The fertility preservation services described by
8 Subsection (a) must be standard procedures to preserve fertility
9 consistent with established medical practices or professional
10 guidelines published by the American Society of Clinical Oncology
11 or the American Society for Reproductive Medicine.

12 SECTION 2. This Act applies only to a health benefit plan
13 that is delivered, issued for delivery, or renewed on or after
14 January 1, 2024.

15 SECTION 3. This Act takes effect September 1, 2023.

ADOPTED

MAY 23 2023

FLOOR AMENDMENT NO. 1

Aatey Spaw
Secretary of the Senate

BY:

Tom Parker

Amend H.B. No. 1649 (senate committee report) in SECTION 1 of the bill, in added Subchapter C, Chapter 1366, Insurance Code, as follows:

(1) Immediately after the subchapter heading (page 1, between lines 25 and 26), insert the following:

Sec. 1366.101. DEFINITION. In this subchapter, "fertility preservation services":

- a) means the collection and preservation of sperm, unfertilized oocytes, and ovarian tissue; and
- b) does not include the storage of such unfertilized genetic materials.

(2) Renumber the sections of the subchapter accordingly.

ADOPTED

MAY 23 2023

Lacey Spaw
Secretary of the Senate

FLOOR AMENDMENT NO. 2

BY: *Tom Parker*

1 Amend H.B. No. 1649 (senate committee report) in SECTION 1 of
2 the bill, adding Section 1366.103(a), Insurance Code, as follows:

3 (1) Between "treatment" and the underlined comma (page 2,
4 line 11), insert "for cancer".

5 (2) Strike "and" (page 2, line 12) and substitute "or".

ADOPTED

MAY 23 2023

FLOOR AMENDMENT NO. 3

Lacey Spaul
Secretary of the Senate BY: *L. W. Keller*

1 Amend H.B. No. 1649 (senate committee report) as follows:

2 (1) In SECTION 2 of the bill providing transition language
3 (page 2, line 20), strike "This Act applies" and substitute
4 "Subchapter C, Chapter 1366, Insurance Code, as added by this Act,
5 applies".

6 (2) Add the following appropriately numbered SECTIONS to
7 the bill and renumber the SECTIONS of the bill accordingly:

8 SECTION _____. Chapter 161, Health and Safety Code, is
9 amended by adding Subchapter X to read as follows:

10 SUBCHAPTER X. INFORMATION REGARDING RISK OF IMPAIRED FERTILITY
11 FROM CANCER TREATMENTS

12 Sec. 161.681. NOTICE FOR CHILDREN RECEIVING CHEMOTHERAPY OR
13 RADIATION. (a) A health care facility at which a child will begin
14 receiving chemotherapy or radiation that may directly or indirectly
15 cause impaired fertility must, before the treatment begins, notify
16 the child's parents or legal guardians of the risk of impaired
17 fertility from treatment.

18 (b) The department shall develop and make available a
19 written notice for a health care facility to use for purposes of
20 this section.

21 SECTION _____. Subchapter X, Chapter 161, Health and Safety
22 Code, as added by this Act, applies only to a child who will begin
23 chemotherapy or radiation on or after the effective date of this
24 Act.

LEGISLATIVE BUDGET BOARD

Austin, Texas

FISCAL NOTE, 88TH LEGISLATIVE REGULAR SESSION

May 24, 2023

TO: Honorable Dade Phelan, Speaker of the House, House of Representatives

FROM: Jerry McGinty, Director, Legislative Budget Board

IN RE: HB1649 by Button (Relating to health benefit coverage for certain fertility preservation services under certain health benefit plans.), **As Passed 2nd House**

No significant fiscal implication to the State is anticipated.

Based on the analysis of the Employees Retirement System, Department of Insurance, Texas A&M University System Administrative & General Offices, and the University of Texas System Administration, any duties and responsibilities associated with implementing the provisions of the bill could be accomplished by the agencies utilizing existing resources.

Local Government Impact

No significant fiscal implication to units of local government is anticipated.

Source Agencies: 327 Employees Retirement System, 454 Department of Insurance, 529 Health and Human Services Commission, 710 Texas A&M University System Administrative and General Offices, 720 The University of Texas System Administration

LBB Staff: JMc, NPe, LBI, AAL

LEGISLATIVE BUDGET BOARD

Austin, Texas

FISCAL NOTE, 88TH LEGISLATIVE REGULAR SESSION

May 14, 2023

TO: Honorable Lois W. Kolkhorst, Chair, Senate Committee on Health & Human Services

FROM: Jerry McGinty, Director, Legislative Budget Board

IN RE: HB1649 by Button (Relating to health benefit coverage for certain fertility preservation services under certain health benefit plans.), **As Engrossed**

No significant fiscal implication to the State is anticipated.

Based on the analysis of the Employees Retirement System, Department of Insurance, Texas A&M University System Administrative & General Offices, and the University of Texas System Administration, any duties and responsibilities associated with implementing the provisions of the bill could be accomplished by the agencies utilizing existing resources.

Local Government Impact

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Source Agencies: 327 Employees Retirement System, 454 Department of Insurance, 710 Texas A&M University System Administrative and General Offices, 720 The University of Texas System Administration

LBB Staff: JMc, NPe, AAL, LBI

LEGISLATIVE BUDGET BOARD

Austin, Texas

FISCAL NOTE, 88TH LEGISLATIVE REGULAR SESSION

April 3, 2023

TO: Honorable Tom Oliverson, Chair, House Committee on Insurance

FROM: Jerry McGinty, Director, Legislative Budget Board

IN RE: HB1649 by Button (Relating to health benefit coverage for certain fertility preservation services under certain health benefit plans.), **As Introduced**

No significant fiscal implication to the State is anticipated.

Based on the analysis of the Employees Retirement System, Department of Insurance, Texas A&M University System Administrative & General Offices, and the University of Texas System Administration, any duties and responsibilities associated with implementing the provisions of the bill could be accomplished by the agencies utilizing existing resources.

Local Government Impact

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