

AN ACT

relating to prohibited insurance discrimination on the basis of an insured's marital status following the death of the insured's spouse.

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

SECTION 1. Section 544.002, Insurance Code, is amended by adding Subsections (d) and (e) to read as follows:

(d) Notwithstanding Section 544.003, an insurer may not:

(1) refuse to continue to insure or provide coverage to an individual or limit the amount, extent, or kind of coverage available to an individual because the individual is widowed or the individual's marital status otherwise reflects the death of a spouse; or

(2) charge an individual who is widowed or whose marital status otherwise reflects the death of a spouse a rate that is different from the rate that would be charged if the individual's marital status was married.

(e) Subsection (d) may not be construed to prohibit a title insurance company or title insurance agent from imposing a reasonable requirement on a widowed insured or widowed individual seeking insurance coverage for the purpose of determining heirship, probate matters, or other similar issues in the same manner as an insured or individual who is not widowed.

SECTION 2. The change in law made by this Act does not apply

1 to an insurance policy that is delivered, issued for delivery, or  
2 renewed before the effective date of this Act. An insurance policy  
3 that is delivered, issued for delivery, or renewed before the  
4 effective date of this Act is governed by the law as it existed  
5 immediately before the effective date of this Act, and that law is  
6 continued in effect for that purpose.

7       SECTION 3. This Act takes effect September 1, 2025.

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

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

I hereby certify that S.B. No. 1238 passed the Senate on April 10, 2025, by the following vote: Yeas 30, Nays 0; and that the Senate concurred in House amendment on May 7, 2025, by the following vote: Yeas 31, Nays 0.

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

I hereby certify that S.B. No. 1238 passed the House, with amendment, on May 2, 2025, by the following vote: Yeas 121, Nays 1, one present not voting.

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

Approved:

\_\_\_\_\_  
Date

\_\_\_\_\_  
Governor