

BILL ANALYSIS

Senate Research Center
79R739 PB-D

S.B. 53
By: Nelson
State Affairs
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As Filed

AUTHOR'S/SPONSOR'S STATEMENT OF INTENT

Persons with individual health insurance coverage can legally be subjected to adverse eligibility or coverage decisions based on the results of or failure to submit to genetic testing. Additionally, individual health benefit plans are not specifically prohibited from disclosing genetic information.

Current law protects individuals in the group health insurance market from use of genetic information to make adverse eligibility of coverage decisions and from disclosure of genetic information.

As proposed, S.B. 53 expands current protections for genetic information and against discrimination based on genetic makeup to the individual health insurance market.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 546.002, Insurance Code, as effective April 1, 2005, as follows:

Sec. 546.002. **APPLICABILITY OF CHAPTER.** Provides that this chapter applies to any health benefit plan, rather than any group health benefit plan, that meets certain criteria. Includes among those criteria to which this chapter applies an individual insurance policy or insurance agreement and an individual evidence of coverage that is offered by certain entities. Makes conforming and nonsubstantive changes.

SECTION 2. Amends Section 546.003, Insurance Code, as effective April 1, 2005, to make a conforming change.

SECTION 3. Amends Section 546.051, Insurance Code, as effective April 1, 2005, to make conforming changes.

SECTION 4. Amends Section 546.052, Insurance Code, as effective April 1, 2005, to make a conforming change.

SECTION 5. Amends Section 546.053, Insurance Code, as effective April 1, 2005, to make conforming changes.

SECTION 6. Amends Section 546.101(a), Insurance Code, as effective April 1, 2005, to make a conforming change.

SECTION 7. Amends Section 546.102(c), Insurance Code, as effective April 1, 2005, to make a conforming change.

SECTION 8. Amends Section 546.103(b), Insurance Code, as effective April 1, 2005, to make a conforming change.

SECTION 9. Amends Section 546.104, Insurance Code, as effective April 1, 2005, to make a conforming change.

SECTION 10. Amends Section 546.151, Insurance Code, as effective April 1, 2005, to make conforming changes.

SECTION 11. Amends Section 546.152, Insurance Code, as effective April 1, 2005, to make a conforming change.

SECTION 12. Makes application of this Act prospective to January 1, 2006.

SECTION 13. Effective date: September 1, 2005.