

- SUBJECT:** Prohibiting insurers from discriminating against victims of family violence
- COMMITTEE:** Insurance — committee substitute recommended
- VOTE:** 9 ayes — Smithee, Van de Putte, Averitt, Bonnen, Burnam, Eiland, G. Lewis, Olivo, Wise
- 0 nays
- WITNESSES:** For — Marybeth Stevens, American Council of Life Insurance; Robert Watkins, State Farm Insurance Company
- Against — None
- DIGEST:** CSHB 839 would prohibit life and health insurance companies, including health maintenance organizations, from denying coverage, refusing to renew a policy, canceling coverage, limiting coverage, or charging an individual a different rate because an applicant has been a victim of family violence. Insurers could not require applicants to reveal whether they have been or could become victims of family violence. Insurers who knowingly violate these provisions would be subject to triple damages plus attorney's fees under Article 21.21 of the Insurance Code.
- Health benefit plan issuers who provided coverage to victims of family violence could not be held civilly or criminally liable for death or injury sustained as a result of family violence.
- Health benefit plan issuers or life insurers would be allowed to evaluate an applicant's physical or mental health condition regardless of the underlying cause, provided the insurer applied the criteria consistently and did not use the criteria as a pretext to avoid providing coverage because the applicant was a victim of family violence.
- CSHB 839 would limit release of information about an applicant who has been a victim of family violence.

CSHB 839 would take effect September 1, 1997 and would apply only to an insurance policy or contract or evidence of coverage that is delivered, issued for delivery, or renewed on or after January 1, 1998.

**SUPPORTERS SAY:** CSHB 839 would ensure that victims of family violence are not victimized a second time by being denied life or health insurance. The bill would protect the interests of all parties involved. It would allow insurers to seek legitimate health related information, while allowing for strict sanctions against insurers who deny coverage because an applicant has been a victim of family violence.

**OPPONENTS SAY:** CSHB 839 should be broadened to property and casualty insurance as well as life, accident and health insurance policies.

**NOTES:** The committee substitute added sections regarding continued coverage and confidentiality and added a list of insurers that are not subject to the provisions of the bill.