

- SUBJECT:** Requiring certain insurers to cover disposition of fetal tissue remains
- COMMITTEE:** Insurance — favorable, without amendment
- VOTE:** 7 ayes — Oliverson, Vo, Israel, Middleton, Paul, Romero, Sanford  
1 nay — Hull  
1 absent — J. González
- WITNESSES:** For —Jennifer Allmon, The Texas Catholic Conference of Bishops; George Wilcox; Izaiah Wilcox; Jaxon Wilcox; Suzie Wilcox; (*Registered, but did not testify*: Joe Pojman, Texas Alliance for Life)  
  
Against — (*Registered, but did not testify*: Patricia Kolodzey, Blue Cross Blue Shield of Texas; John McCord, NFIB; Megan Herring, Texas Association of Business; Jason Baxter, Texas Association of Health Plans; Bill Hammond, Texas Employers for Insurance Reform)
- BACKGROUND:** Interested parties have noted that while insurance companies allow a parent to add a child to a life insurance benefit, most companies require the child to be at least 14 days old before the benefits apply. In some circumstances, the parent of a child who is stillborn or otherwise dies before that age may have to pay the costs of burying or cremating the child's remains without the assistance of insurance. Some have called for requiring certain insurers to provide coverage for these costs.
- DIGEST:** HB 1854 would require certain insurers to provide a benefit or coverage for the cost of disposition of embryonic and fetal tissue remains with a post-fertilization age of 20 weeks or more.  
  
The manner of disposition for which coverage would be required would include:
- interment;
  - cremation;

- incineration followed by interment; and
- steam disinfection followed by interment.

**Applicability.** The bill would apply only to certain health plans issued by organizations specified in the bill, including:

- a plan issued by a health maintenance organization;
- a small employer health plan subject to the Health Insurance Portability and Availability Act;
- a consumer choice of benefits plan; and
- a self-funded health benefit plan sponsored by a professional employer organization.

The bill also would apply to certain entities that provide death benefits as specified in the bill, including:

- a life insurance company;
- a statewide mutual assessment company;
- a mutual life insurance company;
- a stipulated premium insurance company; and
- an employer or other group benefit plan sponsor, regardless of whether the death benefit was provided through an insurance policy or was self-insured.

**Exceptions.** The bill would not apply to certain plans and policies, including a Medicare supplemental policy as defined by federal law or a workers' compensation policy.

The bill would take effect September 1, 2021, and would apply only to an insurance policy, evidence of coverage, annuity or other contract, or group benefit plan that was issued or renewed on or after January 1, 2022.