

SUBJECT: Prohibiting insurers from making vaccination a requirement for coverage

COMMITTEE: Insurance — favorable, without amendment

VOTE: 5 ayes — Oliverson, Hull, Middleton, Paul, Sanford

3 nays — Vo, Israel, Romero

1 absent — J. González

WITNESSES: For — Jackie Schlegel, Texans for Vaccine Choice; (*Registered, but did not testify*: Eight individuals)

Against — Jay Thompson, Afact; (*Registered, but did not testify*: Lee Loftis, Independent Insurance Agents of Texas; Vanessa MacDougal)

On — (*Registered, but did not testify*: Jenny Blakey, Office of the Public Insurance Counsel; Libby Elliott, Texas Department of Insurance)

BACKGROUND: Interested parties have suggested amending statute to prevent the possibility of insurance policies or health benefit plans from discriminating against businesses that have not required all employees to be vaccinated.

DIGEST: HB 3028 would prohibit certain health benefit plans or other insurers that provided insurance policies to business entities from requiring as a condition to purchase or maintain coverage that each of the business's employees was vaccinated.

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 multiple employer welfare arrangement that held a certificate of authority;
- a small employer health plan subject to the Health Insurance

- Portability and Availability Act; and
- a consumer choice of benefits plan.

The bill also would apply to a life insurance company and an insurer offering a property and casualty insurance policy to a business entity.

The bill would take effect September 1, 2021, and would apply only to a health benefit plan or insurance policy issued or renewed on or after January 1, 2022.