

INSURANCE CODE

TITLE 8. HEALTH INSURANCE AND OTHER HEALTH COVERAGES

SUBTITLE E. BENEFITS PAYABLE UNDER HEALTH COVERAGES

CHAPTER 1380. HUMAN ORGAN TRANSPLANT

Sec. 1380.001. DEFINITION. In this chapter, "forced organ harvesting" means the removal of one or more organs from a living person by means of coercion, abduction, deception, fraud, or abuse of power or a position of vulnerability.

Added by Acts 2023, 88th Leg., R.S., Ch. 1155 (S.B. 1040), Sec. 1, eff. September 1, 2023.

Sec. 1380.002. APPLICABILITY OF CHAPTER. (a) This chapter applies only to a health benefit plan that provides benefits for medical or surgical expenses incurred as a result of a health condition, accident, or sickness, including an individual, group, blanket, or franchise insurance policy or insurance agreement, a group hospital service contract, or an individual or group evidence of coverage or similar coverage document that is offered by:

- (1) an insurance company;
- (2) a group hospital service corporation operating under Chapter 842;
- (3) a health maintenance organization operating under Chapter 843;
- (4) an approved nonprofit health corporation that holds a certificate of authority under Chapter 844;
- (5) a multiple employer welfare arrangement that holds a certificate of authority under Chapter 846;
- (6) a stipulated premium company operating under Chapter 884;
- (7) a fraternal benefit society operating under Chapter 885;
- (8) a Lloyd's plan operating under Chapter 941; or
- (9) an exchange operating under Chapter 942.

(b) Notwithstanding any other law, this chapter applies to:

- (1) a small employer health benefit plan subject to Chapter 1501, including coverage provided through a health group

cooperative under Subchapter B of that chapter;

(2) a standard health benefit plan issued under Chapter 1507;

(3) a basic coverage plan under Chapter 1551;

(4) a basic plan under Chapter 1575;

(5) a primary care coverage plan under Chapter 1579;

(6) a plan providing basic coverage under Chapter 1601;

(7) health benefits provided by or through a church benefits board under Subchapter I, Chapter 22, Business Organizations Code;

(8) the state Medicaid program, including the Medicaid managed care program operated under Chapter 533, Government Code;

(9) the child health plan program under Chapter 62, Health and Safety Code;

(10) a regional or local health care program operated under Section 75.104, Health and Safety Code;

(11) a self-funded health benefit plan sponsored by a professional employer organization under Chapter 91, Labor Code;

(12) county employee group health benefits provided under Chapter 157, Local Government Code; and

(13) health and accident coverage provided by a risk pool created under Chapter 172, Local Government Code.

Added by Acts 2023, 88th Leg., R.S., Ch. 1155 (S.B. 1040), Sec. 1, eff. September 1, 2023.

Sec. 1380.003. COVERAGE PROHIBITED. (a) A health benefit plan issuer may not cover a human organ transplant or post-transplant care if:

(1) the transplant operation is performed in China or another country known to have participated in forced organ harvesting, as designated by the commissioner of state health services; or

(2) the human organ to be transplanted was procured by a sale or donation originating in China or another country known to have participated in forced organ harvesting, as designated by the commissioner of state health services.

(b) The commissioner of state health services may designate additional countries with governments that fund, sponsor, or otherwise facilitate forced organ harvesting and shall provide written notice to the commissioner, Teacher Retirement System of Texas, Employees Retirement System of Texas, and executive commissioner of the Health and Human Services Commission when the commissioner of state health services designates an additional country.

Added by Acts 2023, 88th Leg., R.S., Ch. 1155 (S.B. [1040](#)), Sec. 1, eff. September 1, 2023.