

1-1 By: Johnson S.B. No. 636
1-2 (In the Senate - Filed December 18, 2024; February 3, 2025,
1-3 read first time and referred to Committee on Health & Human
1-4 Services; April 14, 2025, reported adversely, with favorable
1-5 Committee Substitute by the following vote: Yeas 7, Nays 2;
1-6 April 14, 2025, sent to printer.)

1-7	COMMITTEE VOTE			
1-8		Yea	Nay	Absent
1-9	Kolkhorst	X		PNV
1-10	Perry	X		
1-11	Blanco	X		
1-12	Cook	X		
1-13	Hall		X	
1-14	Hancock	X		
1-15	Hughes	X		
1-16	Miles	X		
1-17	Sparks		X	

1-18 COMMITTEE SUBSTITUTE FOR S.B. No. 636 By: Hancock

1-19 A BILL TO BE ENTITLED
1-20 AN ACT

1-21 relating to coverage for mental health conditions and substance use
1-22 disorders under certain governmental health benefit plans.

1-23 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-24 SECTION 1. Section 1355.002(b), Insurance Code, is amended
1-25 to read as follows:

1-26 (b) ~~Except as otherwise provided by this subchapter, but~~
1-27 ~~notwithstanding [Notwithstanding any provision in Chapter 1575 or~~
1-28 ~~1579 or] any other law, this subchapter [Section 1355.015] applies~~
1-29 ~~to:~~

- 1-30 (1) a basic coverage plan under Chapter 1551;
- 1-31 (2) a basic plan under Chapter 1575; ~~[and]~~
- 1-32 (3) ~~[(2)]~~ a primary care coverage plan under Chapter
1-33 1579; and
- 1-34 (4) a plan providing basic coverage under Chapter
1-35 1601.

1-36 SECTION 2. Section 1355.003(a), Insurance Code, is amended
1-37 to read as follows:

1-38 (a) This subchapter does not apply to coverage under:

- 1-39 (1) a blanket accident and health insurance policy, as
1-40 described by Chapter 1251;
- 1-41 (2) a short-term travel policy;
- 1-42 (3) an accident-only policy;
- 1-43 (4) a limited or specified-disease policy that does
1-44 not provide benefits for mental health care or similar services;
- 1-45 (5) ~~[except as provided by Subsection (b), a plan~~
1-46 ~~offered under Chapter 1551 or Chapter 1601,~~
- 1-47 ~~[(6)]~~ a plan offered in accordance with Section
1-48 1355.151; or
- 1-49 (6) ~~[(7)]~~ a Medicare supplement benefit plan, as
1-50 defined by Section 1652.002.

1-51 SECTION 3. Section 1355.015(e), Insurance Code, is amended
1-52 to read as follows:

1-53 (e) Notwithstanding any other law, this section does not
1-54 apply to:

- 1-55 (1) a standard health benefit plan provided under
1-56 Chapter 1507;
- 1-57 (2) a basic coverage plan under Chapter 1551; or
- 1-58 (3) a plan providing basic coverage under Chapter
1-59 1601.

1-60 SECTION 4. Section 1355.252, Insurance Code, is amended by

adding Subsection (d) to read as follows:

(d) Notwithstanding any other law, this subchapter applies to:

- (1) a basic coverage plan under Chapter 1551;
- (2) a basic plan under Chapter 1575;
- (3) a primary care coverage plan under Chapter 1579;
- and
- (4) a plan providing basic coverage under Chapter 1601.

SECTION 5. Section 1355.255, Insurance Code, is amended to read as follows:

Sec. 1355.255. COMPLIANCE. (a) Except as provided by Subsection (b), the [The] commissioner shall enforce compliance with Section 1355.254 by evaluating the benefits and coverage offered by a health benefit plan for quantitative and nonquantitative treatment limitations in the following categories:

- (1) in-network and out-of-network inpatient care;
- (2) in-network and out-of-network outpatient care;
- (3) emergency care; and
- (4) prescription drugs.

(b) With respect to a plan described by Section 1355.252(d), the applicable trustee, board of trustees, or system shall enforce compliance with Section 1355.254 by evaluating the benefits and coverage offered by a health benefit plan for quantitative and nonquantitative treatment limitations in the following categories:

- (1) in-network and out-of-network inpatient care;
- (2) in-network and out-of-network outpatient care;
- (3) emergency care; and
- (4) prescription drugs.

SECTION 6. Section 1551.205, Insurance Code, is amended to read as follows:

Sec. 1551.205. LIMITATIONS. The board of trustees may not contract for or provide a coverage plan that:

(1) excludes or limits coverage or services for acquired immune deficiency syndrome, as defined by the Centers for Disease Control and Prevention of the United States Public Health Service, or human immunodeficiency virus infection; or

(2) ~~[provides coverage for serious mental illness that is less extensive than the coverage provided for any physical illness; or~~

~~[(3)]~~ may provide coverage for prescription drugs to assist in stopping smoking at a lower benefit level than is provided for other prescription drugs.

SECTION 7. Section 1355.003(b), Insurance Code, is repealed.

SECTION 8. The changes in law made by this Act apply only to a plan year that commences on or after January 1, 2026. A plan year that commenced before January 1, 2026, is governed by the law as it existed immediately before the effective date of this Act, and that law is continued in effect for that purpose.

SECTION 9. This Act takes effect September 1, 2025.

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