

106TH CONGRESS
2D SESSION

H. R. 5208

To amend titles V, XVIII, and XIX of the Social Security Act to promote smoking cessation under the medicare program, the medicaid program, and the maternal and child health program.

IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 19, 2000

Ms. DEGETTE (for herself, Mrs. MORELLA, Mrs. TAUSCHER, Mr. MEEHAN, Mr. WAXMAN, Mr. WEYGAND, Mr. STARK, Mr. LAFALCE, Mr. SANDERS, Mr. DOGGETT, Mr. LEVIN, Mrs. LOWEY, and Mr. FILNER) introduced the following bill; which was referred to the Committee on Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To amend titles V, XVIII, and XIX of the Social Security Act to promote smoking cessation under the medicare program, the medicaid program, and the maternal and child health program.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Medicare, Medicaid,
5 and MCH Smoking Cessation Promotion Act of 2000”.

1 **SEC. 2. COVERAGE OF COUNSELING FOR CESSATION OF**
2 **TOBACCO USE UNDER THE MEDICARE PRO-**
3 **GRAM.**

4 (a) **COVERAGE.**—Section 1861(s)(2) of the Social Se-
5 curity Act (42 U.S.C. 1395x(s)(2)) is amended—

6 (1) in subparagraph (S), by striking “and” at
7 the end;

8 (2) in subparagraph (T), by adding “and” at
9 the end; and

10 (3) by adding at the end the following new sub-
11 paragraph:

12 “(U) counseling for cessation of tobacco use (as
13 defined in section 1861(uu));”.

14 (b) **COUNSELING DESCRIBED.**—Section 1861 of such
15 Act (42 U.S.C. 1395x) is further amended by adding at
16 the end the following new subsection:

17 “Counseling for Cessation of Tobacco Use

18 “(uu)(1) Except as provided in paragraph (2), the
19 term ‘counseling for cessation of tobacco use’ may include
20 diagnostic, therapy, and counseling services for cessation
21 of tobacco use but only for individuals who have a history
22 of tobacco use and only if the services are furnished—

23 “(A) by or under the supervision of a physician;

24 or

25 “(B) by any other health care professional who

26 (i) is legally authorized to furnish such services

1 under State law (or the State regulatory mechanism
2 provided by State law) of the State in which the
3 services are furnished and (ii) is authorized to re-
4 ceive payment for other services under this title or
5 is designated by the Secretary for this purpose.

6 “(2) Such term does not include counseling services
7 that have not been shown (or recognized by the Secretary)
8 to be effective.”.

9 (c) ELIMINATION OF COST-SHARING.—

10 (1) ELIMINATION OF COINSURANCE.—Section
11 1833(a)(1) of such Act (42 U.S.C. 1395l(a)(1)) is
12 amended—

13 (A) by striking “and” before “(S)”; and

14 (B) by inserting before the semicolon at
15 the end the following: “, and (T) with respect
16 to counseling for cessation of tobacco use (as
17 defined in section 1861(uu), the amount paid
18 shall be 100 percent of the lesser of the actual
19 charge for the services or the amount deter-
20 mined by a fee schedule established by the Sec-
21 retary for purposes of this clause”.

22 (2) ELIMINATION OF DEDUCTIBLE.—The first
23 sentence of section 1833(b)(1) of such Act (42
24 U.S.C. 1395l(b)(1)) is amended—

25 (A) by striking “and” before “(6)”; and

1 (B) by inserting before the period the fol-
2 lowing: “, and (7) such deductible shall not
3 apply with respect to counseling for cessation of
4 tobacco use (as defined in section 1861(uu))”.

5 (d) EFFECTIVE DATE.—The amendments made by
6 this section apply to services furnished on or after Janu-
7 ary 1, 2002.

8 **SEC. 3. MEDICAID PROGRAM.**

9 (a) DROPPING EXCEPTION FROM MEDICAID PRE-
10 SCRIPTON DRUG COVERAGE FOR SMOKING CESSATION
11 MEDICATIONS.—Section 1927(d)(2) of the Social Security
12 Act (42 U.S.C. 1396r–8(d)(2)) is amended—

13 (1) by striking subparagraph (E); and

14 (2) in subparagraph (F), by inserting before the
15 period at the end the following: “except agents ap-
16 proved by the Food and Drug Administration for
17 purposes of promoting, and when used to promote,
18 smoking cessation”.

19 (b) REQUIRING COVERAGE OF SMOKING CESSATION
20 COUNSELING IN SERVICES FOR PREGNANT WOMEN.—
21 Section 1902(a)(10)(C)(ii)(II) of such Act (42 U.S.C.
22 1396a(a)(10)(C)(ii)(II)) is amended by inserting “and
23 counseling for cessation of tobacco use (as defined in sec-
24 tion 1861(uu))” after “prenatal care and delivery serv-
25 ices”.

1 (c) REMOVAL OF COST-SHARING FOR SMOKING CES-
2 SATION COUNSELING SERVICES FOR PREGNANT
3 WOMEN.—Section 1916 of such Act (42 U.S.C. 1396o)
4 is amended, in each of subsections (a)(2)(B) and
5 (b)(2)(B), by inserting “counseling for cessation of to-
6 bacco use (as defined in section 1861(uu)) furnished to
7 pregnant women and other” after “(B)”.

8 (d) EFFECTIVE DATE.—The amendments made by
9 this section apply to services furnished on or after Janu-
10 ary 1, 2002.

11 **SEC. 4. MATERNAL AND CHILD HEALTH PROGRAM.**

12 (a) QUALITY MATERNAL AND CHILD HEALTH SERV-
13 ICES INCLUDES SMOKING CESSATION COUNSELING AND
14 MEDICATIONS.—Section 501 of the Social Security Act
15 (42 U.S.C. 701) is amended by adding at the end the fol-
16 lowing new subsection:

17 “(c) For purposes of this title, counseling for ces-
18 sation of tobacco use (as defined in section 1861(uu)),
19 medications used to promote smoking cessation, and the
20 inclusion of anti-tobacco messages in health promotion
21 counseling shall be considered to be part of quality mater-
22 nal and child health services.”.

1 (b) **EFFECTIVE DATE.**—The amendment made by
2 subsection (a) takes effect on the date of the enactment
3 of this Act.

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