

106TH CONGRESS
2D SESSION

S. 2444

To amend title I of the Employee Retirement Income Security Act of 1974, the Public Health Service Act, and the Internal Revenue Code of 1986 to require comprehensive health insurance coverage for childhood immunization.

IN THE SENATE OF THE UNITED STATES

APRIL 13, 2000

Mr. DURBIN (for himself and Mr. REED) introduced the following bill; which was read twice and referred to the Committee on Health, Education, Labor, and Pensions

A BILL

To amend title I of the Employee Retirement Income Security Act of 1974, the Public Health Service Act, and the Internal Revenue Code of 1986 to require comprehensive health insurance coverage for childhood immunization.

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 “Comprehensive Insur-
5 ance Coverage of Childhood Immunization Act of 2000”.

1 **SEC. 2. AMENDMENTS TO THE EMPLOYEE RETIREMENT IN-**
 2 **COME SECURITY ACT OF 1974.**

3 (a) IN GENERAL.—Subpart B of part 7 of subtitle
 4 B of title I of the Employee Retirement Income Security
 5 Act of 1974 (29 U.S.C. 1185 et seq.) is amended by add-
 6 ing at the end the following:

7 **“SEC. 714. STANDARD RELATING TO COVERAGE OF CHILD-**
 8 **HOOD IMMUNIZATION.**

9 “(a) IN GENERAL.—A group health plan, and a
 10 health insurance issuer offering health insurance coverage
 11 in connection with a group health plan, shall provide for
 12 each plan year comprehensive coverage for routine immu-
 13 nizations for each individual who is a dependent of a par-
 14 ticipant or beneficiary under the plan and is under 19
 15 years of age.

16 “(b) COMPREHENSIVE COVERAGE.—For purposes of
 17 this section, comprehensive coverage for routine immuni-
 18 zations for a plan year consists of coverage, without
 19 deductibles, coinsurance, or other cost-sharing, for immu-
 20 nizations (including the vaccine itself) in accordance with
 21 the most recent version of the Recommended Childhood
 22 Immunization Schedule issued prior to such plan year by
 23 the Advisory Committee on Immunization Practices of the
 24 Centers for Disease Control and Prevention.”.

25 (b) CONFORMING AMENDMENT.—The table of con-
 26 tents in section 1 of such Act is amended by inserting

1 after the item relating to section 713 the following new
2 item:

“Sec. 714. Standard relating to coverage of childhood immunization.”.

3 **SEC. 3. AMENDMENTS TO THE PUBLIC HEALTH SERVICE**
4 **ACT.**

5 (a) GROUP MARKET.—Subpart 2 of part A of title
6 XXVII of the Public Health Service Act (42 U.S.C.
7 300gg–4 et seq.) is amended by adding at the end the
8 following new section:

9 **“SEC. 2707. STANDARD RELATING TO COVERAGE OF CHILD-**
10 **HOOD IMMUNIZATION.**

11 “(a) IN GENERAL.—A group health plan, and a
12 health insurance issuer offering health insurance coverage
13 in connection with a group health plan, shall provide for
14 each plan year comprehensive coverage for routine immu-
15 nizations for each individual who is a dependent of a par-
16 ticipant or beneficiary under the plan and is under 19
17 years of age.

18 “(b) COMPREHENSIVE COVERAGE.—For purposes of
19 this section, comprehensive coverage for routine immuni-
20 zations for a plan year consists of coverage, without
21 deductibles, coinsurance, or other cost-sharing, for immu-
22 nizations (including the vaccine itself) in accordance with
23 the most recent version of the Recommended Childhood
24 Immunization Schedule issued prior to such plan year by

1 the Advisory Committee on Immunization Practices of the
2 Centers for Disease Control and Prevention.”.

3 (b) **INDIVIDUAL MARKET.**—The first subpart 3 of
4 part B of title XXVII of the Public Health Service Act
5 (42 U.S.C. 300gg–51 et seq.) (relating to other require-
6 ments) (42 U.S.C. 300gg–51 et seq.) is amended—

7 (1) by redesignating such subpart as subpart 2;

8 and

9 (2) by adding at the end the following:

10 **“SEC. 2753. STANDARD RELATING TO COVERAGE OF CHILD-**
11 **HOOD IMMUNIZATION.**

12 “The provisions of section 2707 shall apply to health
13 insurance coverage offered by a health insurance issuer
14 in the individual market in the same manner as they apply
15 to health insurance coverage offered by a health insurance
16 issuer in connection with a group health plan in the small
17 or large group market.”.

18 **SEC. 4. AMENDMENTS TO THE INTERNAL REVENUE CODE**
19 **OF 1986.**

20 Subchapter B of chapter 100 of the Internal Revenue
21 Code of 1986 is amended—

22 (1) in the table of sections, by inserting after
23 the item relating to section 9812 the following new
24 item:

“Sec. 9813. Standard relating to coverage of childhood immuni-
zation.”;

1 and

2 (2) by inserting after section 9812 the fol-
3 lowing:

4 **“SEC. 9813. STANDARD RELATING TO COVERAGE OF CHILD-**
5 **HOOD IMMUNIZATION.**

6 “(a) IN GENERAL.—A group health plan shall pro-
7 vide for each plan year comprehensive coverage for routine
8 immunizations for each individual who is a dependent of
9 a participant or beneficiary under the plan and is under
10 19 years of age.

11 “(b) COMPREHENSIVE COVERAGE.—For purposes of
12 this section, comprehensive coverage for routine immuni-
13 zations for a plan year consists of coverage, without
14 deductibles, coinsurance, or other cost-sharing, for immu-
15 nizations (including the vaccine itself) in accordance with
16 the most recent version of the Recommended Childhood
17 Immunization Schedule issued prior to such plan year by
18 the Advisory Committee on Immunization Practices of the
19 Centers for Disease Control and Prevention.”.

20 **SEC. 5. EFFECTIVE DATES.**

21 (a) GROUP HEALTH INSURANCE COVERAGE.—Sub-
22 ject to subsection (c), the amendments made by sections
23 2, 3(a), and 4 apply with respect to group health plans
24 for plan years beginning on or after January 1, 2001.

1 (b) INDIVIDUAL HEALTH INSURANCE COVERAGE.—
2 The amendment made by section 3(b) applies with respect
3 to health insurance coverage offered, sold, issued, re-
4 newed, in effect, or operated in the individual market on
5 or after such date.

6 (c) COLLECTIVE BARGAINING EXCEPTION.—In the
7 case of a group health plan maintained pursuant to 1 or
8 more collective bargaining agreements between employee
9 representatives and 1 or more employers ratified before
10 the date of enactment of this Act, the amendments made
11 sections 2, 3(a), and 4 shall not apply to plan years begin-
12 ning before the later of—

13 (1) the earliest date as of which all such collec-
14 tive bargaining agreements relating to the plan have
15 terminated (determined without regard to any exten-
16 sion thereof agreed to after the date of the enact-
17 ment of this Act), or

18 (2) January 1, 2001.

19 For purposes of paragraph (1), any plan amendment made
20 pursuant to a collective bargaining agreement relating to
21 the plan which amends the plan solely to conform to any
22 requirement added by sections 2, 3(a), and 4 shall not be
23 treated as a termination of such collective bargaining
24 agreement.

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