

107TH CONGRESS  
1ST SESSION

# H. R. 580

To amend title XXVII of the Public Health Service Act and title I of the Employee Retirement Income Security Act of 1974 to require that group and individual health insurance coverage and group health plans provide comprehensive coverage for childhood immunization.

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## IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 13, 2001

Mr. GREEN of Texas introduced the following bill; which was referred to the Committee on Energy and Commerce, and in addition to the Committee on Education and the Workforce, 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

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## A BILL

To amend title XXVII of the Public Health Service Act and title I of the Employee Retirement Income Security Act of 1974 to require that group and individual health insurance coverage and group health plans provide comprehensive 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 2001”.

1 **SEC. 2. COMPREHENSIVE COVERAGE FOR CHILDHOOD IM-**  
2 **MUNIZATION BY GROUP HEALTH PLANS AND**  
3 **HEALTH INSURANCE ISSUERS.**

4 (a) GROUP HEALTH PLANS.—

5 (1) PUBLIC HEALTH SERVICE ACT AMEND-  
6 MENTS.—Subpart 2 of part A of title XXVII of the  
7 Public Health Service Act is amended by adding at  
8 the end the 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 group health insurance  
13 coverage, shall provide for each plan year comprehensive  
14 coverage for routine immunizations for each individual  
15 who is a dependent of a participant or beneficiary under  
16 the plan and is under 19 years of age.

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

1           (2) ERISA AMENDMENTS.—(A) Subpart B of  
2           part 7 of subtitle B of title I of the Employee Re-  
3           tirement Income Security Act of 1974 is amended by  
4           adding at the end the following new section:

5   **“SEC. 714. STANDARD RELATING TO COVERAGE OF CHILD-**  
6                           **HOOD IMMUNIZATION.**

7           “(a) IN GENERAL.—A group health plan, and a  
8           health insurance issuer offering group health insurance  
9           coverage, shall provide for each plan year comprehensive  
10          coverage for routine immunizations for each individual  
11          who is a dependent of a participant or beneficiary under  
12          the plan and is under 19 years of age.

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

22                   (B) The table of contents in section 1 of such  
23          Act is amended by inserting after the item relating  
24          to section 713 the following new item:

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

1 (b) INDIVIDUAL HEALTH INSURANCE.—Part B of  
2 title XXVII of the Public Health Service Act is amended  
3 by inserting after section 2752 the following new section:

4 **“SEC. 2753. STANDARD RELATING COVERAGE OF CHILD-**  
5 **HOOD IMMUNIZATION.**

6 “The provisions of section 2707 shall apply to health  
7 insurance coverage offered by a health insurance issuer  
8 in the individual market in the same manner as they apply  
9 to health insurance coverage offered by a health insurance  
10 issuer in connection with a group health plan in the small  
11 or large group market.”.

12 **SEC. 3. COORDINATION OF ADMINISTRATION.**

13 The Secretary of Health and Human Services and the  
14 Secretary of Labor shall ensure, through the execution of  
15 an interagency memorandum of understanding among  
16 such Secretaries, that—

17 (1) regulations, rulings, and interpretations  
18 issued by such Secretaries relating to the same mat-  
19 ter over which both such Secretaries have responsi-  
20 bility under the provisions of this Act (and the  
21 amendments made thereby) are administered so as  
22 to have the same effect at all times; and

23 (2) coordination of policies relating to enforcing  
24 the same requirements through such Secretaries in  
25 order to have a coordinated enforcement strategy

1 that avoids duplication of enforcement efforts and  
2 assigns priorities in enforcement.

3 **SEC. 4. EFFECTIVE DATES.**

4 (a) GROUP HEALTH PLANS AND GROUP HEALTH IN-  
5 SURANCE COVERAGE.—Subject to subsection (c), the  
6 amendments made by section 2(a) apply with respect to  
7 group health plans for plan years beginning on or after  
8 January 1, 2002.

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

14 (c) COLLECTIVE BARGAINING EXCEPTION.—In the  
15 case of a group health plan maintained pursuant to 1 or  
16 more collective bargaining agreements between employee  
17 representatives and 1 or more employers ratified before  
18 the date of enactment of this Act, the amendments made  
19 section 2(a) shall not apply to plan years beginning before  
20 the later of—

21 (1) the earliest date as of which all such collec-  
22 tive bargaining agreements relating to the plan have  
23 terminated (determined without regard to any exten-  
24 sion thereof agreed to after the date of enactment of  
25 this Act), or

1                   (2) January 1, 2002.

2 For purposes of paragraph (1), any plan amendment made  
3 pursuant to a collective bargaining agreement relating to  
4 the plan which amends the plan solely to conform to any  
5 requirement added by section 2(a) shall not be treated as  
6 a termination of such collective bargaining agreement.

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