

106TH CONGRESS
1ST SESSION

H. R. 1169

To amend the Employee Retirement Income Security Act of 1974 to require the offering of children-only coverage to dependents of participants under group health plans, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

MARCH 17, 1999

Mr. SABO (for himself, Mr. OBERSTAR, Mr. SHOWS, Mr. SANDLIN, and Mr. FROST) introduced the following bill; which was referred to the Committee on Education and the Workforce

A BILL

To amend the Employee Retirement Income Security Act of 1974 to require the offering of children-only coverage to dependents of participants under group health plans, and for other purposes.

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 “Children’s Health Cov-
5 erage Improvement Act of 1999”.

1 **SEC. 2. REQUIRING OFFER OF CHILDREN'S-ONLY COV-**
 2 **ERAGE UNDER GROUP HEALTH PLANS.**

3 (a) IN GENERAL.—Part 7 of subtitle B of title I of
 4 the Employee Retirement Income Security Act of 1974 is
 5 amended by inserting after section 713 the following new
 6 section:

7 **“SEC. 714. PROVIDING OPTION OF CHILDREN’S ONLY COV-**
 8 **ERAGE.**

9 “(a) REQUIREMENT FOR OPTION.—Each group
 10 health plan shall provide, as at least one benefit option
 11 under the plan, health benefits coverage for qualified chil-
 12 dren (as defined in subsection (b)).

13 “(b) QUALIFIED CHILD DEFINED.—For purposes of
 14 this section, the term ‘qualified child’ means, with respect
 15 to a group health plan, an individual who is under 19
 16 years of age and is a dependent of a participant who is
 17 enrolled for benefits under such plan. A group health plan
 18 may treat other individuals as qualified children under the
 19 plan.

20 “(c) TERMS OF OPTION.—

21 “(1) TIMING.—

22 “(A) IN GENERAL.—Subject to subpara-
 23 graph (B), the option under subsection (a) by
 24 a group health plan shall be made at such times
 25 as the person (of whom the qualified child is a

1 dependent) is permitted to elect coverage under
2 the plan.

3 “(B) TRANSITION.—A group health plan
4 shall also make such offer available at the time
5 this section first becomes effective.

6 “(2) MAY REQUIRE ENROLLMENT OF ALL
7 QUALIFIED CHILDREN IN A FAMILY.—The offer
8 under this section, made with respect to an indi-
9 vidual who is the qualified child of a participant,
10 may be conditioned upon the election of the option
11 by all qualified children of the participant.”.

12 (b) CLERICAL AMENDMENT.—The table of contents
13 in section 1 of such Act is amended by inserting after the
14 item relating to section 713 the following new item:

“Sec. 714. Providing option of children’s only coverage.”.

15 **SEC. 3. PROVISIONS OF CHILDREN-ONLY COVERAGE**
16 **UNDER COBRA CONTINUATION PROVISIONS.**

17 (a) IN GENERAL.—Part 6 of subtitle B of title I of
18 the Employee Retirement Income Security Act of 1974 is
19 amended by inserting after section 609 the following new
20 section:

21 **“SEC. 610. SPECIAL RULES FOR CHILDREN ONLY COV-**
22 **ERAGE.**

23 “In carrying out sections 601 through 608, the fol-
24 lowing additional rules shall apply:

1 “(1) The term ‘continuation coverage’ shall in-
 2 clude, in addition to the coverage otherwise required,
 3 at least one option of benefits coverage that meets
 4 the terms and conditions of section 714.

5 “(2) The premium for the continuation cov-
 6 erage described in paragraph (1) shall be established
 7 only with regard to such coverage.

8 “(3) The election of continuation coverage de-
 9 scribed in paragraph (1) shall be available with re-
 10 spect to qualified beneficiaries who previously had
 11 such coverage before the date of the qualifying event
 12 or were covered under family coverage before such
 13 date.”.

14 (b) CLERICAL AMENDMENT.—The table of contents
 15 in section 1 of such Act is amended by inserting after the
 16 item relating to section 609 the following new item:

“Sec. 610. Special rules for children only coverage.

17 **SEC. 4. EFFECTIVE DATE.**

18 (a) IN GENERAL.—Except as provided in this section,
 19 the amendments made by this Act shall apply with respect
 20 to group health plans for plan years beginning after the
 21 first day of the first month that begins more than 9
 22 months after the date of the enactment of this Act.

23 (b) SPECIAL RULE FOR COLLECTIVE BARGAINING
 24 AGREEMENTS.—In the case of a group health plan main-
 25 tained pursuant to 1 or more collective bargaining agree-

1 ments between employee representatives and one or more
2 employers ratified before the date of the enactment of this
3 Act, section 714 of the Employee Retirement Income Se-
4 curity Act of 1974 shall not apply to plan years beginning
5 before the later of—

6 (1) the date on which the last of the collective
7 bargaining agreements relating to the plan termi-
8 nates (determined without regard to any extension
9 thereof agreed to after the date of the enactment of
10 this Act), or

11 (2) the effective date provided under subsection
12 (a),

13 For purposes of paragraph (1), any plan amendment made
14 pursuant to a collective bargaining agreement relating to
15 the plan which amends the plan solely to conform to any
16 requirement of such part shall not be treated as a termi-
17 nation of such collective bargaining agreement.

18 (c) **TIMELY REGULATIONS.**—The Secretary of Labor
19 shall first issue by not later than 3 months before the ef-
20 fective date provided under subsection (a), such regula-
21 tions as may be necessary to carry out the amendments
22 made by this Act.

○