

106TH CONGRESS  
1ST SESSION

# H. R. 1816

To require coverage for colorectal cancer screenings.

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## IN THE HOUSE OF REPRESENTATIVES

MAY 13, 1999

Ms. SLAUGHTER (for herself, Mrs. MORELLA, Mr. SISISKY, and Mr. HASTINGS of Florida) introduced the following bill; which was referred to the Committee on 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 require coverage for colorectal cancer screenings.

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; FINDINGS.**

4       (a) SHORT TITLE.—This Act may be cited as the  
5       “Eliminate Colorectal Cancer Act of 1999”.

6       (b) FINDINGS.—The Congress finds the following:

7               (1) Colorectal cancer is the second leading  
8       cause of cancer deaths in the United States for men  
9       and women combined.

1           (2) It is estimated that in 1999, 129,400 new  
2 cases of colorectal cancer will be diagnosed in men  
3 and women in the United States.

4           (3) Colorectal cancer is expected to kill 56,600  
5 individuals in the United States in 1999.

6           (4) Research has shown that a high-fiber, low-  
7 fat diet can significantly reduce the risk of devel-  
8 oping colorectal cancer.

9           (5) The adoption of a healthy diet at a young  
10 age can significantly reduce the risk of developing  
11 colorectal cancer.

12           (6) Appropriate screenings and regular tests  
13 can save large numbers of lives by leading to earlier  
14 identification of colorectal cancer.

15           (7) The Centers for Disease Control and Pre-  
16 vention, the Health Care Financing Administration,  
17 and the National Cancer Institute have initiated the  
18 Screen for Life Campaign targeted to individuals  
19 age 50 and older to spread the message of the im-  
20 portance of colorectal cancer screening tests.

21           (8) Education helps to inform the public of  
22 symptoms for the early detection of colorectal cancer  
23 and methods of prevention.

24 **SEC. 2. COVERAGE FOR COLORECTAL CANCER SCREENING.**

25           (a) GROUP HEALTH PLANS.—

1           (1) PUBLIC HEALTH SERVICE ACT AMEND-  
2           MENTS.—(A) Subpart 2 of part A of title XXVII of  
3           the Public Health Service Act is amended by adding  
4           at the end the following new section:

5   **“SEC. 2707. COVERAGE FOR COLORECTAL CANCER SCREEN-**  
6                           **ING.**

7           “(a) COVERAGE FOR COLORECTAL CANCER SCREEN-  
8   ING.—

9           “(1) IN GENERAL.—A group health plan, and a  
10          health insurance issuer offering group health insur-  
11          ance coverage, shall provide coverage for colorectal  
12          cancer screening at regular intervals to—

13                 “(A) any participant or beneficiary over  
14          the age of 50; and

15                 “(B) any participant or beneficiary under  
16          the age of 50 who is at a high risk for  
17          colorectal cancer, or who may have symptoms  
18          or circumstances that indicate a need for  
19          colorectal cancer screening.

20                 “(2) DEFINITION OF HIGH RISK.—For purposes  
21          of subsection (a)(1)(B), the term ‘high risk for  
22          colorectal cancer’ has the meaning given such term  
23          in section 1861(pp)(2) of the Social Security Act (42  
24          U.S.C. 1395x(pp)(2)).

1           “(3) METHOD OF SCREENING.—The group  
2           health plan or health insurance issuer shall cover the  
3           method and frequency of colorectal cancer screening  
4           deemed appropriate by a health care provider treat-  
5           ing such participant or beneficiary, in consultation  
6           with the participant or beneficiary. Such coverage  
7           shall include the procedures in section 1861(pp)(1)  
8           of the Social Security Act (42 U.S.C. 1395x(pp)(1))  
9           and section 4104(a)(2) of the Balanced Budget Act  
10          of 1997.

11          “(b) NOTICE.—A group health plan under this part  
12          shall comply with the notice requirement under section  
13          714(b) of the Employee Retirement Income Security Act  
14          of 1974 with respect to the requirements of this section  
15          as if such section applied to such plan.

16          “(c) NON-PREEMPTION OF MORE PROTECTIVE  
17          STATE LAW WITH RESPECT TO HEALTH INSURANCE  
18          ISSUERS.—This section shall not be construed to super-  
19          sede any provision of State law which establishes, imple-  
20          ments, or continues in effect any standard or requirement  
21          solely relating to health insurance issuers in connection  
22          with group health insurance coverage that provides great-  
23          er protections to participants and beneficiaries than the  
24          protections provided under this section.”.

1 (B) Section 2723(c) of such Act (42 U.S.C.  
2 300gg-23(c)) is amended by striking “section 2704”  
3 and inserting “sections 2704 and 2707”.

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

8 **“SEC. 714. COVERAGE FOR COLORECTAL CANCER SCREEN-**  
9 **ING.**

10 “(a) COVERAGE FOR COLORECTAL CANCER SCREEN-  
11 ING.—

12 “(1) IN GENERAL.—A group health plan, and a  
13 health insurance issuer offering group health insur-  
14 ance coverage, shall provide coverage for colorectal  
15 cancer screening at regular intervals to—

16 “(A) any participant or beneficiary over  
17 the age of 50; and

18 “(B) any participant or beneficiary under  
19 the age of 50 who is at a high risk for  
20 colorectal cancer, or who may have symptoms  
21 or circumstances that indicate a need for  
22 colorectal cancer screening.

23 “(2) DEFINITION OF HIGH RISK.—For purposes  
24 of subsection (a)(1)(B), the term ‘high risk for  
25 colorectal cancer’ has the meaning given such term

1 in section 1861(pp)(2) of the Social Security Act (42  
2 U.S.C. 1395x(pp)(2)).

3 “(3) METHOD OF SCREENING.—The group  
4 health plan or health insurance issuer shall cover the  
5 method and frequency of colorectal cancer screening  
6 deemed appropriate by a health care provider treat-  
7 ing such participant or beneficiary, in consultation  
8 with the participant or beneficiary. Such coverage  
9 shall include the procedures in section 1861(pp)(1)  
10 of the Social Security Act (42 U.S.C. 1395x(pp)(1))  
11 and section 4104(a)(2) of the Balanced Budget Act  
12 of 1997.

13 “(b) NOTICE UNDER GROUP HEALTH PLAN.—The  
14 imposition of the requirements of this section shall be  
15 treated as a material modification in the terms of the plan  
16 described in section 102(a), for purposes of assuring no-  
17 tice of such requirements under the plan; except that the  
18 summary description required to be provided under the  
19 third to last sentence of section 104(b)(1) with respect to  
20 such modification shall be provided by not later than 60  
21 days after the first day of the first plan year in which  
22 such requirements apply.”.

23 (B) Section 731(c) of such Act (29 U.S.C.  
24 1191(c)) is amended by striking “section 711” and  
25 inserting “sections 711 and 714”.

1 (C) Section 732(a) of such Act (29 U.S.C.  
 2 1191a(a)) is amended by striking “section 711” and  
 3 inserting “sections 711 and 714”.

4 (D) The table of contents in section 1 of such  
 5 Act is amended by inserting after the item relating  
 6 to section 713 the following new item:

“Sec. 714. Coverage for colorectal cancer screening.”.

7 (b) INDIVIDUAL HEALTH INSURANCE.—(1) Part B  
 8 of title XXVII of the Public Health Service Act is amend-  
 9 ed by inserting after section 2752 the following new sec-  
 10 tion:

11 **“SEC. 2753. COVERAGE FOR COLORECTAL CANCER SCREEN-**  
 12 **ING.**

13 “(a) IN GENERAL.—The provisions of section  
 14 2707(a) shall apply to health insurance coverage offered  
 15 by a health insurance issuer in the individual market in  
 16 the same manner as it applies to health insurance coverage  
 17 offered by a health insurance issuer in connection with a  
 18 group health plan in the small or large group market.

19 “(b) NOTICE.—A health insurance issuer under this  
 20 part shall comply with the notice requirement under sec-  
 21 tion 714(b) of the Employee Retirement Income Security  
 22 Act of 1974 with respect to the requirements referred to  
 23 in subsection (a) as if such section applied to such issuer  
 24 and such issuer were a group health plan.”.

1       (c) EFFECTIVE DATES.—(1)(A) Subject to subpara-  
2 graph (B), the amendments made by subsection (a) shall  
3 apply with respect to group health plans for plan years  
4 beginning on or after January 1, 2001.

5       (B) In the case of a group health plan maintained  
6 pursuant to 1 or more collective bargaining agreements  
7 between employee representatives and 1 or more employ-  
8 ers ratified before the date of enactment of this Act, the  
9 amendments made by subsection (a) shall not apply to  
10 plan years beginning before the later of—

11           (i) the date on which the last collective bar-  
12       gaining agreements relating to the plan terminates  
13       (determined without regard to any extension thereof  
14       agreed to after the date of enactment of this Act),  
15       or

16           (ii) January 1, 2001.

17 For purposes of clause (i), any plan amendment made pur-  
18 suant to a collective bargaining agreement relating to the  
19 plan which amends the plan solely to conform to any re-  
20 quirement added by subsection (a) shall not be treated as  
21 a termination of such collective bargaining agreement.

22       (2) The amendments made by subsection (b) shall  
23 apply with respect to health insurance coverage offered,  
24 sold, issued, renewed, in effect, or operated in the indi-  
25 vidual market on or after January 1, 2001.



1       (3) The amendment made by subsection (c) shall  
2 apply to contracts for contract periods beginning on or  
3 after January 1, 2001.

4       (d) COORDINATED REGULATIONS.—The Secretary of  
5 Labor and the Secretary of Health and Human Services  
6 shall ensure, through the execution of an interagency  
7 memorandum of understanding among such Secretaries,  
8 that—

9           (1) regulations, rulings, and interpretations  
10 issued by such Secretaries relating to the same mat-  
11 ter over which both Secretaries have responsibility  
12 under the provisions of this section (and the amend-  
13 ments made thereby) are administered so as to have  
14 the same effect at all times; and

15          (2) coordination of policies relating to enforcing  
16 the same requirements through such Secretaries in  
17 order to have a coordinated enforcement strategy  
18 that avoids duplication of enforcement efforts and  
19 assigns priorities in enforcement.

20 **SEC. 3. SENSE OF THE CONGRESS.**

21 It is the sense of the Congress that—

22          (1) all Americans should be educated about the  
23 risks, prevention, screening, and treatment of  
24 colorectal cancer;

1           (2) the Centers for Disease Control and Preven-  
2           tion and the Department of Health and Human  
3           Services should be commended for launching a co-  
4           ordinated education campaign on colorectal cancer in  
5           March of 1999; and

6           (3) the Centers for Disease Control and Preven-  
7           tion and the Department of Health and Human  
8           Services should track the impact of the coordinated  
9           education campaign on colorectal cancer and make  
10          information on its progress available to Members of  
11          Congress.

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