

106TH CONGRESS
1ST SESSION

H. R. 2445

To amend the Employee Retirement Income Security Act of 1974, the Public Health Service Act, and the Internal Revenue Code of 1986 to clarify the application of the mental health parity provisions to annual and lifetime visit or benefit limits, as well as dollar limits.

IN THE HOUSE OF REPRESENTATIVES

JULY 1, 1999

Mrs. MALONEY of New York (for herself, Mr. GILMAN, Mr. ENGEL, Mr. TOWNS, Mrs. MCCARTHY of New York, Mr. McNULTY, Mr. NADLER, Mr. SERRANO, Mr. MENENDEZ, Mr. ACKERMAN, and Mr. HINCHEY) introduced the following bill; which was referred to the Committee on Commerce, and in addition to the Committees on Education and the Workforce, and 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 the Employee Retirement Income Security Act of 1974, the Public Health Service Act, and the Internal Revenue Code of 1986 to clarify the application of the mental health parity provisions to annual and lifetime visit or benefit limits, as well as dollar limits.

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

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Mental Health Parity
3 Enhancement Act of 1999”.

4 **SEC. 2. APPLICATION OF MENTAL HEALTH PARITY PROVI-**
5 **SIONS TO ANNUAL AND LIFETIME VISIT OR**
6 **BENEFIT LIMITS.**

7 (a) AMENDMENTS TO THE EMPLOYEE RETIREMENT
8 INCOME SECURITY ACT OF 1974.—Section 712(e) of the
9 Employee Retirement Income Security Act of 1974 (29
10 U.S.C. 1185a(e)) is amended—

11 (1) in paragraph (1), by inserting after “a dol-
12 lar limitation on the total amount that may be paid”
13 the following: “or a number or visits or other limita-
14 tion on the benefits that may be covered”; and

15 (2) in paragraph (2), by inserting after “a dol-
16 lar limitation on the total amount of benefits that
17 may be paid” the following: “or a number of visits
18 or other limitation on the benefits that may be cov-
19 ered”.

20 (b) AMENDMENTS TO THE PUBLIC HEALTH SERVICE
21 ACT.—Section 2705(e) of the Public Health Service Act
22 (42 U.S.C. 300gg–5(e)) is amended—

23 (1) in paragraph (1), by inserting after “a dol-
24 lar limitation on the total amount that may be paid”
25 the following: “or a number or visits or other limita-
26 tion on the benefits that may be covered”; and

1 (2) in paragraph (2), by inserting after “a dol-
 2 lar limitation on the total amount of benefits that
 3 may be paid” the following: “or a number of visits
 4 or other limitation on the benefits that may be cov-
 5 ered”.

6 (c) AMENDMENTS TO THE INTERNAL REVENUE
 7 CODE OF 1986.—Section 9812(e) of the Internal Revenue
 8 Code of 1986 is amended—

9 (1) in paragraph (1), by inserting after “a dol-
 10 lar limitation on the total amount that may be paid”
 11 the following: “or a number or visits or other limita-
 12 tion on the benefits that may be covered”; and

13 (2) in paragraph (2), by inserting after “a dol-
 14 lar limitation on the total amount of benefits that
 15 may be paid” the following: “or a number of visits
 16 or other limitation on the benefits that may be cov-
 17 ered”.

18 (d) EFFECTIVE DATE.—(1) Subject to paragraph
 19 (2), the amendments made by this section shall apply with
 20 respect to group health plans for plan years beginning on
 21 or after July 1, 2000.

22 (2) In the case of a group health plan maintained
 23 pursuant to 1 or more collective bargaining agreements
 24 between employee representatives and 1 or more employ-
 25 ers ratified before the date of enactment of this Act, the

1 amendments made by this section shall not apply to plan
2 years beginning before the later of—

3 (A) the date on which the last collective bar-
4 gaining agreements relating to the plan terminates
5 (determined without regard to any extension thereof
6 agreed to after the date of enactment of this Act),
7 or

8 (B) January 1, 2001.

9 For purposes of subparagraph (A), any plan amendment
10 made pursuant to a collective bargaining agreement relat-
11 ing to the plan which amends the plan solely to conform
12 to any requirement added by this section shall not be
13 treated as a termination of such collective bargaining
14 agreement.

15 (e) COORDINATED REGULATIONS.—Section 104(1) of
16 the Health Insurance Portability and Accountability Act
17 of 1996 is amended by striking “this subtitle (and the
18 amendments made by this subtitle and section 401)” and
19 inserting “the provisions of part 7 of subtitle B of title
20 I of the Employee Retirement Income Security Act of
21 1974, the provisions of parts A and C of title XXVII of
22 the Public Health Service Act, and chapter 100 of the In-
23 ternal Revenue Code of 1986”.

○