

107TH CONGRESS
1ST SESSION

S. 1297

To require comprehensive health insurance coverage for childhood immunization.

IN THE SENATE OF THE UNITED STATES

AUGUST 1, 2001

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 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 2001”.

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

8 (a) IN GENERAL.—Subpart B of part 7 of subtitle
9 B of title I of the Employee Retirement Income Security

1 Act of 1974 (29 U.S.C. 1185 et seq.) is amended by add-
 2 ing at the end the following:

3 **“SEC. 714. STANDARD RELATING TO COVERAGE OF CHILD-**
 4 **HOOD IMMUNIZATION.**

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

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

21 (b) CONFORMING AMENDMENT.—The table of con-
 22 tents in section 1 of such Act is amended by inserting
 23 after the item relating to section 713 the following new
 24 item:

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

1 **SEC. 3. AMENDMENTS TO THE PUBLIC HEALTH SERVICE**
 2 **ACT.**

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

7 **“SEC. 2707. 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) INDIVIDUAL MARKET.—The first subpart 3 of
 26 part B of title XXVII of the Public Health Service Act

1 (42 U.S.C. 300gg–51 et seq.) (relating to other require-
 2 ments) (42 U.S.C. 300gg–51 et seq.) is amended—

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

4 and

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

6 **“SEC. 2753. STANDARD RELATING TO COVERAGE OF CHILD-**
 7 **HOOD IMMUNIZATION.**

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

14 **SEC. 4. AMENDMENTS TO THE INTERNAL REVENUE CODE**
 15 **OF 1986.**

16 Subchapter B of chapter 100 of the Internal Revenue
 17 Code of 1986 is further amended—

18 (1) in the table of sections, by inserting after
 19 the item relating to section 9812 the following new
 20 item:

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

21 and

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

1 **“SEC. 9813. STANDARD RELATING TO COVERAGE OF CHILD-**
2 **HOOD IMMUNIZATION.**

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

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

17 **SEC. 5. EFFECTIVE DATES.**

18 (a) GROUP HEALTH INSURANCE COVERAGE.—Sub-
19 ject to subsection (c), the amendments made by sections
20 2, 3(a), and 4 apply with respect to group health plans
21 for plan years beginning on or after January 1, 2002.

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

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

8 (1) the earliest date as of which all such collec-
9 tive bargaining agreements relating to the plan have
10 terminated (determined without regard to any exten-
11 sion thereof agreed to after the date of the enact-
12 ment of this Act), or

13 (2) January 1, 2002.

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

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