II

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

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A BILL

To require comprehensive health insurance coverage for childhood immunization.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Comprehensive Insurance Coverage of Childhood Immunization Act of 2001".

SEC. 2. AMENDMENTS TO THE EMPLOYEE RETIREMENT INCOME SECURITY ACT OF 1974.

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

Act of 1974 (29 U.S.C. 1185 et seq.) is amended by adding at the end the following:

"SEC. 714. STANDARD RELATING TO COVERAGE OF CHILDHOOD IMMUNIZATION.

"(a) IN GENERAL.—A group health plan, and a health insurance issuer offering health insurance coverage in connection with a group health plan, shall provide for each plan year comprehensive coverage for routine immunizations for each individual who is a dependent of a participant or beneficiary under the plan and is under 19 years of age.

"(b) COMPREHENSIVE COVERAGE.—For purposes of this section, comprehensive coverage for routine immunizations for a plan year consists of coverage, without deductibles, coinsurance, or other cost-sharing, for immunizations (including the vaccine itself) in accordance with the most recent version of the Recommended Childhood Immunization Schedule issued prior to such plan year by the Advisory Committee on Immunization Practices of the Centers for Disease Control and Prevention.".

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

"Sec. 714. Standard relating to coverage of childhood immunization.".

SEC. 3. AMENDMENTS TO THE PUBLIC HEALTH SERVICE ACT.

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

"SEC. 2707. STANDARD RELATING TO COVERAGE OF CHILDHOOD IMMUNIZATION.

"(a) IN GENERAL.—A group health plan, and a health insurance issuer offering health insurance coverage in connection with a group health plan, shall provide for each plan year comprehensive coverage for routine immunizations for each individual who is a dependent of a participant or beneficiary under the plan and is under 19 years of age.

"(b) COMPREHENSIVE COVERAGE.—For purposes of this section, comprehensive coverage for routine immunizations for a plan year consists of coverage, without deductibles, coinsurance, or other cost-sharing, for immunizations (including the vaccine itself) in accordance with the most recent version of the Recommended Childhood Immunization Schedule issued prior to such plan year by the Advisory Committee on Immunization Practices of the Centers for Disease Control and Prevention.".

(b) INDIVIDUAL MARKET.—The first subpart 3 of part B of title XXVII of the Public Health Service Act

(42 U.S.C. 300gg–51 et seq.) (relating to other requirements) (42 U.S.C. 300gg–51 et seq.) is amended—

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

(2) by adding at the end the following:

"SEC. 2753. STANDARD RELATING TO COVERAGE OF CHILDHOOD IMMUNIZATION.

"The provisions of section 2707 shall apply to health insurance coverage offered by a health insurance issuer in the individual market in the same manner as they apply to health insurance coverage offered by a health insurance issuer in connection with a group health plan in the small or large group market.''.

SEC. 4. AMENDMENTS TO THE INTERNAL REVENUE CODE OF 1986.

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

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

"Sec. 9813. Standard relating to coverage of childhood immunization.'';

and

(2) by inserting after section 9812 the following:

"SEC. 9813. STANDARD RELATING TO COVERAGE OF CHILDHOOD IMMUNIZATION.

"(a) IN GENERAL.—A group health plan shall provide for each plan year comprehensive coverage for routine immunizations for each individual who is a dependent of a participant or beneficiary under the plan and is under 19 years of age.

"(b) COMPREHENSIVE COVERAGE.—For purposes of this section, comprehensive coverage for routine immunizations for a plan year consists of coverage, without deductibles, coinsurance, or other cost-sharing, for immunizations (including the vaccine itself) in accordance with the most recent version of the Recommended Childhood Immunization Schedule issued prior to such plan year by the Advisory Committee on Immunization Practices of the Centers for Disease Control and Prevention.".

SEC. 5. EFFECTIVE DATES.

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

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

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

(1) the earliest date as of which all such collective bargaining agreements relating to the plan have terminated (determined without regard to any extension thereof agreed to after the date of the enactment of this Act), or

(2) January 1, 2002.

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

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