

110TH CONGRESS
1ST SESSION

H. R. 2842

To amend title I of the Employee Retirement Income Security Act of 1974, title XXVII of the Public Health Service Act, and the Internal Revenue Code of 1986 to prohibit preexisting condition exclusions for children in group health plans and health insurance coverage in the group and individual markets.

IN THE HOUSE OF REPRESENTATIVES

JUNE 22, 2007

Ms. SCHWARTZ introduced the following bill; which was referred to the Committee on Energy and Commerce, and in addition to the Committees on Education and Labor 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 title I of the Employee Retirement Income Security Act of 1974, title XXVII of the Public Health Service Act, and the Internal Revenue Code of 1986 to prohibit preexisting condition exclusions for children in group health plans and health insurance coverage in the group and individual markets.

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 “Children’s Health Pro-
3 tection Act of 2007”.

4 **SEC. 2. PROHIBITION OF PREEXISTING CONDITION EXCLU-**
5 **SIONS FOR CHILDREN UNDER GROUP**
6 **HEALTH PLANS.**

7 (a) AMENDMENTS TO THE EMPLOYEE RETIREMENT
8 INCOME SECURITY ACT OF 1974.—Section 701(d) of the
9 Employee Retirement Income Security Act of 1974 (29
10 U.S.C. 1181(d)) is amended—

11 (1) by striking paragraph (1) and inserting the
12 following:

13 “(1) EXCLUSION NOT APPLICABLE TO CHIL-
14 DREN.—A group health plan, and a health insurance
15 issuer offering group health insurance coverage, may
16 not impose any preexisting condition exclusion in the
17 case of an individual who has not attained 19 years
18 of age.”;

19 (2) by striking paragraphs (2) and (4); and

20 (3) by redesignating paragraph (3) as para-
21 graph (2).

22 (b) AMENDMENTS TO THE PUBLIC HEALTH SERVICE
23 ACT.—Section 2701(d) of the Public Health Service Act
24 (42 U.S.C. 300gg(d)) is amended—

25 (1) by striking paragraph (1) and inserting the
26 following:

1 “(1) EXCLUSION NOT APPLICABLE TO CHIL-
 2 DREN.—A group health plan, and a health insurance
 3 issuer offering group health insurance coverage, may
 4 not impose any preexisting condition exclusion in the
 5 case of an individual who has not attained 19 years
 6 of age.”;

7 (2) by striking paragraphs (2) and (4); and

8 (3) by redesignating paragraph (3) as para-
 9 graph (2).

10 (c) AMENDMENTS TO THE INTERNAL REVENUE
 11 CODE OF 1986.—Subsection (d) of section 9801 of the
 12 Internal Revenue Code of 1986 (relating to exceptions) is
 13 amended—

14 (1) by striking paragraph (1) and inserting the
 15 following:

16 “(1) EXCLUSION NOT APPLICABLE TO CHIL-
 17 DREN.—A group health plan may not impose any
 18 preexisting condition exclusion in the case of an indi-
 19 vidual who has not attained 19 years of age.”;

20 (2) by striking paragraphs (2) and (4); and

21 (3) by redesignating paragraph (3) as para-
 22 graph (2).

23 (d) EFFECTIVE DATE.—

24 (1) IN GENERAL.—Except as provided in para-
 25 graph (2), the amendments made by this section

1 shall apply with respect to group health plans for
2 plan years beginning after the end of the 12th cal-
3 endar month following the date of the enactment of
4 this Act.

5 (2) SPECIAL RULE FOR COLLECTIVE BAR-
6 GAINING AGREEMENTS.—In the case of a group
7 health plan maintained pursuant to one or more col-
8 lective bargaining agreements between employee rep-
9 resentatives and one or more employers ratified be-
10 fore the date of the enactment of this Act, the
11 amendments made by this section shall not apply to
12 plan years beginning before the earlier of—

13 (A) the date on which the last of the col-
14 lective bargaining agreements relating to the
15 plan terminates (determined without regard to
16 any extension thereof agreed to after the date
17 of the enactment of this Act), or

18 (B) 3 years after the date of the enact-
19 ment of this Act.

20 For purposes of subparagraph (A), any plan amend-
21 ment made pursuant to a collective bargaining
22 agreement relating to the plan which amends the
23 plan solely to conform to any requirement added by
24 the amendments made by this section shall not be

1 treated as a termination of such collective bar-
 2 gaining agreement.

3 **SEC. 3. PROHIBITION OF PREEXISTING CONDITION EXCLU-**
 4 **SIONS FOR CHILDREN IN HEALTH INSUR-**
 5 **ANCE COVERAGE IN THE INDIVIDUAL MAR-**
 6 **KET.**

7 (a) IN GENERAL.—Section 2741 of the Public Health
 8 Service Act (42 U.S.C. 300gg–41) is amended—

9 (1) by redesignating the second subsection (e)
 10 (relating to market requirements) and subsection (f)
 11 as subsections (f) and (g), respectively; and

12 (2) by adding at the end the following new sub-
 13 section:

14 “(h) PROHIBITION OF PREEXISTING CONDITION EX-
 15 CLUSIONS FOR CHILDREN.—Each health insurance issuer
 16 that offers health insurance coverage in the individual
 17 market may not impose any preexisting condition exclu-
 18 sion (as defined in section 2701(b)(1)(A)) in the case of
 19 an individual who has not attained 19 years of age.”.

20 (b) CONFORMING AMENDMENT.—Section 2744(a)(1)
 21 of such Act (42 U.S.C. 300gg–44(a)(1)) is amended by
 22 inserting “(other than subsection (h))” after “section
 23 2741” .

24 (c) EFFECTIVE DATE.—The amendments made by
 25 this section shall apply with respect to health insurance

1 coverage offered, sold, issued, renewed, in effect, or oper-
2 ated in the individual market after the end of the 12th
3 calendar month following the date of the enactment of this
4 Act.

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