

111TH CONGRESS
1ST SESSION

H. R. 323

To amend title XXVII of the Public Health Service Act and title I of the Employee Retirement Income Security Act of 1974 to require that group and individual health insurance coverage and group health plans provide comprehensive coverage for childhood immunization.

IN THE HOUSE OF REPRESENTATIVES

JANUARY 8, 2009

Mr. GENE GREEN of Texas introduced the following bill; which was referred to the Committee on Energy and Commerce, and in addition to the Committee on Education and Labor, 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 XXVII of the Public Health Service Act and title I of the Employee Retirement Income Security Act of 1974 to require that group and individual health insurance coverage and group health plans provide comprehensive 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 2009”.

1 **SEC. 2. COMPREHENSIVE COVERAGE FOR CHILDHOOD IM-**
2 **MUNIZATION BY GROUP HEALTH PLANS AND**
3 **HEALTH INSURANCE ISSUERS.**

4 (a) GROUP HEALTH PLANS.—

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

9 **“SEC. 2708. STANDARD RELATING TO COVERAGE OF CHILD-**
10 **HOOD IMMUNIZATION.**

11 “(a) IN GENERAL.—A group health plan, and a
12 health insurance issuer offering group health insurance
13 coverage, shall provide for each plan year comprehensive
14 coverage for routine immunizations for each individual
15 who is a dependent of a participant or beneficiary under
16 the plan and is under 19 years of age.

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

26 (2) ERISA AMENDMENTS.—

1 (A) IN GENERAL.—Subpart B of part 7 of
2 subtitle B of title I of the Employee Retirement
3 Income Security Act of 1974 is amended by
4 adding at the end the following new section:

5 **“SEC. 715. STANDARD RELATING TO COVERAGE OF CHILD-**
6 **HOOD IMMUNIZATION.**

7 “(a) IN GENERAL.—A group health plan, and a
8 health insurance issuer offering group health insurance
9 coverage, shall provide for each plan year comprehensive
10 coverage for routine immunizations for each individual
11 who is a dependent of a participant or beneficiary under
12 the plan and is under 19 years of age.

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

22 (B) CLERICAL AMENDMENT.—The table of
23 contents in section 1 of such Act is amended by
24 inserting after the item relating to section 714
25 the following new item:

“715. Standard relating to coverage of childhood immunization.”.

1 (b) INDIVIDUAL HEALTH INSURANCE.—Part B of
2 title XXVII of the Public Health Service Act is amended
3 by inserting after section 2753 the following new section:

4 **“SEC. 2754. STANDARD RELATING TO COVERAGE OF CHILD-**
5 **HOOD IMMUNIZATION.**

6 “The provisions of section 2708 shall apply to health
7 insurance coverage offered by a health insurance issuer
8 in the individual market in the same manner as they apply
9 to health insurance coverage offered by a health insurance
10 issuer in connection with a group health plan in the small
11 or large group market.”.

12 **SEC. 3. COORDINATION OF ADMINISTRATION.**

13 The Secretary of Health and Human Services and the
14 Secretary of Labor shall ensure, through the execution of
15 an interagency memorandum of understanding among
16 such Secretaries, that—

17 (1) regulations, rulings, and interpretations
18 issued by such Secretaries relating to the same mat-
19 ter over which both such Secretaries have responsi-
20 bility under the provisions of this Act (and the
21 amendments made thereby) are administered so as
22 to have the same effect at all times; and

23 (2) coordination of policies relating to enforcing
24 the same requirements through such Secretaries in
25 order to have a coordinated enforcement strategy

1 that avoids duplication of enforcement efforts and
2 assigns priorities in enforcement.

3 **SEC. 4. EFFECTIVE DATES.**

4 (a) GROUP HEALTH PLANS AND GROUP HEALTH IN-
5 SURANCE COVERAGE.—Subject to subsection (c), the
6 amendments made by section 2(a) apply with respect to
7 group health plans for plan years beginning on or after
8 January 1, 2010.

9 (b) INDIVIDUAL HEALTH INSURANCE COVERAGE.—
10 The amendment made by section 2(b) applies with respect
11 to health insurance coverage offered, sold, issued, re-
12 newed, in effect, or operated in the individual market on
13 or after such date.

14 (c) COLLECTIVE BARGAINING EXCEPTION.—In the
15 case of a group health plan maintained pursuant to 1 or
16 more collective bargaining agreements between employee
17 representatives and 1 or more employers ratified before
18 the date of enactment of this Act, the amendments made
19 by section 2(a) shall not apply to plan years beginning
20 before the later of—

21 (1) the earliest date as of which all such collec-
22 tive bargaining agreements relating to the plan have
23 terminated (determined without regard to any exten-
24 sion thereof agreed to after the date of enactment of
25 this Act); or

1 (2) January 1, 2010.

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

○