

111TH CONGRESS
1ST SESSION

H. R. 3472

To provide for health insurance coverage premium discounts for healthy behavior and improvements toward healthy behavior.

IN THE HOUSE OF REPRESENTATIVES

JULY 31, 2009

Mrs. DAHLKEMPER introduced the following bill; which was referred to the Committee on Energy and Commerce, and in addition to the Committees on Ways and Means and 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 provide for health insurance coverage premium discounts for healthy behavior and improvements toward healthy behavior.

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. PREMIUM DISCOUNTS FOR HEALTHY LIVING.**

4 (a) IN GENERAL.—Notwithstanding any other provi-
5 sion of law, for plan years beginning on or after January
6 1, 2010, a group health plan, and a health insurance
7 issuer offering group health insurance coverage in the
8 group market or health insurance coverage in the indi-

1 vidual market, shall provide premium discounts for
2 healthy behavior and improvements toward healthy behav-
3 ior as determined under this section.

4 (b) DETERMINATION OF PREMIUM DISCOUNTS.—

5 (1) IN GENERAL.—Not later than 1 year after
6 the date of the enactment of this Act, the Secretary
7 of Health and Human Services, acting through the
8 Director of the Centers for Disease Control and Pre-
9 vention, shall conclude a rulemaking procedure to
10 determine the appropriate premium discount appli-
11 cable to each healthy behavior and each improve-
12 ment toward healthy behavior. Such discounts shall
13 be consistent with the regulations applicable to
14 wellness programs issued under the Health Insur-
15 ance Portability and Accountability Act of 1996.

16 (2) LIMITATION.—Such discounts shall not, in
17 the aggregate, exceed 20 percent with respect to any
18 individual.

19 (c) HEALTHY BEHAVIOR.—For purposes of this sec-
20 tion, the following are healthy behaviors:

21 (1) Not smoking.

22 (2) Low blood pressure (but within the normal
23 range).

24 (3) Body mass index (BMI) in the normal
25 range.

1 (4) Low low-density lipoprotein (LDL) levels.

2 (5) High high-density lipoprotein (HDL) levels.

3 (6) Appropriate hemoglobin A1C levels.

4 (d) IMPROVEMENTS TOWARDS HEALTHY BEHAV-
5 IOR.—For purposes of this section, the following are im-
6 provements towards healthy behavior:

7 (1) Quitting smoking.

8 (2) Reducing blood pressure, but not below the
9 normal range.

10 (3) Lowering body mass index (BMI), but not
11 below the normal range.

12 (4) Lowering low-density lipoprotein (LDL) lev-
13 els.

14 (5) Increasing high-density lipoprotein (HDL)
15 levels.

16 (6) Lowering hemoglobin A1C levels, but not
17 below the normal range.

18 (e) CERTIFICATION.—In order to be taken into ac-
19 count under this section, any healthy behavior or improve-
20 ment towards healthy behavior must be supported by med-
21 ical test result information which is certified by a licensed
22 physician, and the individual to whom it relates, as being
23 complete, accurate and current. In the case of any know-
24 ingly false certification under this subsection, the Sec-

1 retary of Health and Human Services shall impose a civil
2 monetary penalty not in excess of \$1,000.

3 (f) APPLICATION TO ERISA, PHSA, AND IRC.—The
4 provisions of this section shall apply with respect to a
5 group health plan as if included under title XXVII of the
6 Public Health Service Act, under title VII of the Employee
7 Retirement Income Security Act of 1974, and under sub-
8 chapter B of chapter 100 of the Internal Revenue Code
9 of 1986, and shall apply with respect to health insurance
10 coverage offered in the individual market as if included
11 under title XXVII of the Public Health Service Act.

○