

115TH CONGRESS
2D SESSION

S. 3053

To amend title XXI of the Social Security Act to ensure access to mental health and substance use disorder services for children and pregnant women under the Children’s Health Insurance Program, and for other purposes.

IN THE SENATE OF THE UNITED STATES

JUNE 12, 2018

Ms. STABENOW (for herself and Mr. CASSIDY) introduced the following bill;
which was read twice and referred to the Committee on Finance

A BILL

To amend title XXI of the Social Security Act to ensure access to mental health and substance use disorder services for children and pregnant women under the Children’s Health Insurance Program, and for other purposes.

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 “CHIP Mental Health
5 and Addiction Parity Act”.

1 **SEC. 2. ENSURING ACCESS TO MENTAL HEALTH AND SUB-**
 2 **STANCE USE DISORDER SERVICES FOR CHIL-**
 3 **DREN AND PREGNANT WOMEN UNDER THE**
 4 **CHILDREN'S HEALTH INSURANCE PROGRAM.**

5 (a) IN GENERAL.—Section 2103(c)(1) of the Social
 6 Security Act (42 U.S.C. 1397cc(c)(1)) is amended by add-
 7 ing at the end the following new subparagraph:

8 “(E) Mental health services and substance
 9 use disorder services (as defined in paragraph
 10 (5)).”.

11 (b) MENTAL HEALTH AND SUBSTANCE USE DIS-
 12 ORDER SERVICES.—

13 (1) IN GENERAL.—Section 2103(c) of the So-
 14 cial Security Act (42 U.S.C. 1397cc(c)) is amend-
 15 ed—

16 (A) by redesignating paragraphs (5), (6),
 17 (7), and (8) as paragraphs (6), (7), (8), and
 18 (9), respectively; and

19 (B) by inserting after paragraph (4) the
 20 following new paragraph:

21 “(5) MENTAL HEALTH AND SUBSTANCE USE
 22 DISORDER SERVICES.—Regardless of the election
 23 made by a State under subsection (a), child health
 24 assistance for targeted low-income children or preg-
 25 nancy-related assistance for targeted low-income

1 pregnant women (as defined in section 2112(d))
2 shall—

3 “(A) include coverage of mental health
4 services (including behavioral health treatment)
5 necessary to prevent, diagnose, and treat a
6 broad range of mental health symptoms and
7 disorders, including substance use disorders;
8 and

9 “(B) be delivered in a culturally and lin-
10 guistically appropriate manner.”.

11 (2) CONFORMING AMENDMENTS.—

12 (A) Section 2103(a) of the Social Security
13 Act (42 U.S.C. 1397cc(a)) is amended, in the
14 matter before paragraph (1), by striking “para-
15 graphs (5), (6), and (7)” and inserting “para-
16 graphs (5), (6), (7), and (8)”.

17 (B) Section 2110(a) of the Social Security
18 Act (42 U.S.C. 1397jj(a)) is amended—

19 (i) in paragraph (18), by striking
20 “substance abuse” each place it appears
21 and inserting “substance use”; and

22 (ii) in paragraph (19), by striking
23 “substance abuse” and inserting “sub-
24 stance use”.

1 (C) Section 2110(b)(5)(A)(i) of the Social
 2 Security Act (42 U.S.C. 1397ee(b)(5)(A)(i)) is
 3 amended by striking “subsection (c)(5)” and in-
 4 serting “subsection (c)(6)”.

5 (c) ASSURING ACCESS TO CARE.—Section
 6 2102(a)(7)(B) of the Social Security Act (42 U.S.C.
 7 1397bb(c)(2)) is amended by striking “section
 8 2103(c)(5)” and inserting “paragraphs (5) and (6) of sec-
 9 tion 2103(c)”.

10 (d) MENTAL HEALTH SERVICES PARITY.—Subpara-
 11 graph (A) of paragraph (7) of section 2103(c) of the So-
 12 cial Security Act (42 U.S.C. 1397cc(c)) (as redesignated
 13 by subsection (b)(1)) is amended to read as follows:

14 “(A) IN GENERAL.—A State child health
 15 plan shall ensure that the financial require-
 16 ments and treatment limitations applicable to
 17 mental health and substance use disorder serv-
 18 ices (as described in paragraph (5)) provided
 19 under such plan comply with the requirements
 20 of section 2726(a) of the Public Health Service
 21 Act in the same manner as such requirements
 22 or limitations apply to a group health plan
 23 under such section.”.

24 (e) EFFECTIVE DATE.—

1 (1) IN GENERAL.—Subject to paragraph (2),
2 the amendments made by this section shall take ef-
3 fect with respect to child health assistance and preg-
4 nancy-related assistance provided on or after the
5 date that is 1 year after the date of the enactment
6 of this Act.

7 (2) EXCEPTION FOR STATE LEGISLATION.—In
8 the case of a State child health plan under title XXI
9 of the Social Security Act (or a waiver of such plan),
10 which the Secretary of Health and Human Services
11 determines requires State legislation in order for the
12 respective plan (or waiver) to meet any requirement
13 imposed by the amendments made by this section,
14 the respective plan (or waiver) shall not be regarded
15 as failing to comply with the requirements of such
16 title solely on the basis of its failure to meet such
17 an additional requirement before the first day of the
18 first calendar quarter beginning after the close of
19 the first regular session of the State legislature that
20 begins after the date of enactment of this section.
21 For purposes of the previous sentence, in the case
22 of a State that has a 2-year legislative session, each
23 year of the session shall be considered to be a sepa-
24 rate regular session of the State legislature.

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