

105TH CONGRESS
1ST SESSION

H. R. 1854

To amend the Employee Retirement Income Security Act of 1974 to require the offering of children-only coverage to dependents of participants under group health plans, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JUNE 10, 1997

Mr. SABO introduced the following bill; which was referred to the Committee on Education and the Workforce

A BILL

To amend the Employee Retirement Income Security Act of 1974 to require the offering of children-only coverage to dependents of participants under group health plans, 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 “Children’s Health Cov-

5 erage Improvement Act of 1997”.

1 SEC. 2. REQUIRING OFFER OF CHILDREN'S-ONLY COV-

2 ERAGE UNDER GROUP HEALTH PLANS.

3 (a) IN GENERAL.—Part 7 of subtitle B of title I of
4 the Employee Retirement Income Security Act of 1974 is
5 amended by inserting after section 712 the following new
6 section:

7 "SEC. 713. PROVIDING OPTION OF CHILDREN'S ONLY COVERAGE.

9 "(a) REQUIREMENT FOR OPTION.—Each group
10 health plan shall provide, as at least one benefit option
11 under the plan, health benefits coverage for qualified chil-
12 dren (as defined in subsection (b)).

13 "(b) QUALIFIED CHILD DEFINED.—For purposes of
14 this section, the term 'qualified child' means, with respect
15 to a group health plan, an individual who is under 19
16 years of age and is a dependent of a participant under
17 such plan. A group health plan may treat other individuals
18 as qualified children under the plan.

19 "(c) TERMS OF OPTION.—

20 “(1) TIMING.—

“(A) IN GENERAL.—Subject to subparagraph (B), the option under subsection (a) by a group health plan shall be made at such times as the person (of whom the qualified child is a dependent) is permitted to elect coverage under the plan.

1 “(B) TRANSITION.—A group health plan
2 shall also make such offer available at the time
3 this section first becomes effective.

4 “(2) MAY REQUIRE ENROLLMENT OF ALL
5 QUALIFIED CHILDREN IN A FAMILY.—The offer
6 under this section, made with respect to an individ-
7 ual who is the qualified child of a participant, may
8 be conditioned upon the election of the option by all
9 qualified children of the participant.”.

10 (b) CLERICAL AMENDMENT.—The table of contents
11 in section 1 of such Act is amended by inserting after the
12 item relating to section 712 the following new item:

“Sec. 713. Providing option of children’s only coverage.”.

13 SEC. 3. PROVISIONS OF CHILDREN-ONLY COVERAGE
14 UNDER COBRA CONTINUATION PROVISIONS.

15 (a) IN GENERAL.—Part 6 of subtitle B of title I of
16 the Employee Retirement Income Security Act of 1974 is
17 amended by inserting after section 609 the following new
18 section:

19 "SEC. 610. SPECIAL RULES FOR CHILDREN ONLY COV-
20 ERAGE.

21 "In carrying out sections 601 through 608, the fol-
22 lowing additional rules shall apply:

23 “(1) The term ‘continuation coverage’ shall in-
24 clude, in addition to the coverage otherwise required,

1 at least one option of benefits coverage that meets
2 the terms and conditions of section 713.

3 “(2) The premium for the continuation cov-
4 erage described in paragraph (1) shall be established
5 only with regard to such coverage.

6 “(3) The election of continuation coverage de-
7 scribed in paragraph (1) shall be available with re-
8 spect to qualified beneficiaries who previously had
9 such coverage before the date of the qualifying event
10 or were covered under family coverage before such
11 date.”.

12 (b) CLERICAL AMENDMENT.—The table of contents
13 in section 1 of such Act is amended by inserting after the
14 item relating to section 609 the following new item:

“See. 610. Special rules for children only coverage.

15 **SEC. 4. EFFECTIVE DATE.**

16 (a) IN GENERAL.—Except as provided in this section,
17 the amendments made by this Act shall apply with respect
18 to group health plans for plan years beginning after the
19 first day of the first month that begins more than 9
20 months after the date of the enactment of this Act.

21 (b) SPECIAL RULE FOR COLLECTIVE BARGAINING
22 AGREEMENTS.—In the case of a group health plan main-
23 tained pursuant to 1 or more collective bargaining agree-
24 ments between employee representatives and one or more
25 employers ratified before the date of the enactment of this

1 Act, section 713 of the Employee Retirement Income Se-
2 curity Act of 1974 shall not apply to plan years beginning
3 before the later of—

4 (1) the date on which the last of the collective
5 bargaining agreements relating to the plan termi-
6 nates (determined without regard to any extension
7 thereof agreed to after the date of the enactment of
8 this Act), or

9 (2) the effective date provided under subsection
10 (a),

11 For purposes of paragraph (1), any plan amendment made
12 pursuant to a collective bargaining agreement relating to
13 the plan which amends the plan solely to conform to any
14 requirement of such part shall not be treated as a termi-
15 nation of such collective bargaining agreement.

16 (c) TIMELY REGULATIONS.—The Secretary of Labor
17 shall first issue by not later than 3 months before the ef-
18 fective date provided under subsection (a), such regula-
19 tions as may be necessary to carry out the amendments
20 made by this Act.

