

108TH CONGRESS
2D SESSION

S. 423

AN ACT

To promote health care coverage parity for individuals participating in legal recreational activities or legal transportation activities.

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 “HIPAA Recreational
5 Injury Technical Correction Act”.

1 **SEC. 2. COVERAGE AMENDMENTS.**

2 (a) ERISA.—Section 702(a)(3) of the Employee Re-
 3 tirement Income Security Act of 1974 (29 U.S.C.
 4 1182(a)(3)) is amended—

5 (1) by striking “CONSTRUCTION.—For” and in-
 6 serting the following: “SCOPE.—

7 “(A) WAITING PERIODS.—For”; and

8 (2) by adding at the end the following:

9 “(B) LIMITATION ON DENIAL OF BENE-
 10 FITS.—For purposes of paragraph (2), a group
 11 health plan, or a health insurance issuer offer-
 12 ing group health insurance coverage in connec-
 13 tion with a group health plan, may not deny
 14 benefits otherwise provided under the plan or
 15 coverage for the treatment of an injury solely
 16 because such injury resulted from the participa-
 17 tion of the individual in a legal mode of trans-
 18 portation or a legal recreational activity.”.

19 (b) PHSA.—Section 2702(a)(3) of the Public Health
 20 Service Act (42 U.S.C. 300gg–1(a)(3)) is amended—

21 (1) by striking “CONSTRUCTION.—For” and in-
 22 serting the following: “SCOPE.—

23 “(A) WAITING PERIODS.—For”; and

24 (2) by adding at the end the following:

25 “(B) LIMITATION ON DENIAL OF BENE-
 26 FITS.—For purposes of paragraph (2), a group

1 health plan, or a health insurance issuer offer-
2 ing group health insurance coverage in connec-
3 tion with a group health plan, may not deny
4 benefits otherwise provided under the plan or
5 coverage for the treatment of an injury solely
6 because such injury resulted from the participa-
7 tion of the individual in a legal mode of trans-
8 portation or a legal recreational activity.”.

9 (c) INTERNAL REVENUE CODE.—Section 9802(a)(3)
10 of the Internal Revenue Code of 1986 is amended—

11 (1) by striking “CONSTRUCTION.—For” and in-
12 serting the following: “SCOPE.—

13 “(A) WAITING PERIODS.—For”; and

14 (2) by adding at the end the following:

15 “(B) LIMITATION ON DENIAL OF BENE-
16 FITS.—For purposes of paragraph (2), a group
17 health plan may not deny benefits otherwise
18 provided under the plan for the treatment of an
19 injury solely because such injury resulted from
20 the participation of the individual in a legal

1 mode of transportation or a legal recreational
2 activity.”.

Passed the Senate November 21 (legislative day, November 20), 2004.

Attest:

Secretary.

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