

Calendar No. 779108TH CONGRESS
2D SESSION**S. 423****[Report No. 108-390]**

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

IN THE SENATE OF THE UNITED STATES

FEBRUARY 14, 2003

Ms. COLLINS (for herself, Mr. FEINGOLD, Mr. DAYTON, Mr. COLEMAN, Ms. SNOWE, Mr. DURBIN, Mr. ENSIGN, Mr. CAMPBELL, and Ms. STABENOW) introduced the following bill; which was read twice and referred to the Committee on Health, Education, Labor, and Pensions

OCTOBER 7, 2004

Reported by Mr. GREGG, with an amendment

[Strike out all after the enacting clause and insert the part printed in *italic*]**A BILL**

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,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Health Care Parity
3 for Legal Transportation and Recreational Activities Act”.

4 **SEC. 2. COVERAGE AMENDMENTS.**

5 (a) ERISA.—Section 702(a)(2)(B) of the Employee
6 Retirement Income Security Act of 1974 (29 U.S.C.
7 1182(a)(2)(B)) is amended by inserting before the period
8 the following: “, except that a plan or issuer may not deny
9 benefits otherwise provided for the treatment of an injury
10 solely because such injury resulted from participation of
11 the participant or beneficiary in an activity such as
12 motoreycling, snowmobiling, all-terrain vehicle riding,
13 horseback riding, skiing or other similar legal activity”.

14 (b) PHSA.—Section 2702(a)(2)(B) of the Public
15 Health Service Act (42 U.S.C. ~~300gg-1(a)(2)(B)~~) is
16 amended by inserting before the period the following:
17 “, except that a plan or issuer may not deny benefits oth-
18 erwise provided for the treatment of an injury solely be-
19 cause such injury resulted from participation of the en-
20 rollee in an activity such as motoreycling, snowmobiling,
21 all-terrain vehicle riding, horseback riding, skiing or other
22 similar legal activity”.

23 (c) INTERNAL REVENUE CODE.—Section
24 9802(a)(2)(B) of the Internal Revenue Code of 1986 is
25 amended by inserting before the period the following:
26 “, except that a plan or issuer may not deny benefits oth-

1 erwise provided for the treatment of an injury solely be-
 2 cause such injury resulted from participation of the en-
 3 rollee in an activity such as motorcycleing, snowmobiling,
 4 all-terrain vehicle riding, horseback riding, skiing or other
 5 similar legal activity”.

6 **SECTION 1. SHORT TITLE.**

7 *This Act may be cited as the “HIPAA Recreational*
 8 *Injury Technical Correction Act”.*

9 **SEC. 2. COVERAGE AMENDMENTS.**

10 (a) *ERISA.*—Section 702(a)(3) of the *Employee Re-*
 11 *tirement Income Security Act of 1974 (29 U.S.C.*
 12 *1182(a)(3)) is amended—*

13 (1) *by striking “CONSTRUCTION.—For” and in-*
 14 *serting the following: “SCOPE.—*

15 (A) *WAITING PERIODS.—For”; and*

16 (2) *by adding at the end the following:*

17 (B) *LIMITATION ON DENIAL OF BENE-*
 18 *FITS.—For purposes of paragraph (2), a group*
 19 *health plan, or a health insurance issuer offering*
 20 *group health insurance coverage in connection*
 21 *with a group health plan, may not deny benefits*
 22 *otherwise provided under the plan or coverage*
 23 *for the treatment of an injury solely because such*
 24 *injury resulted from the participation of the in-*

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

3 **(b) PHSA.**—*Section 2702(a)(3) of the Public Health*
 4 *Service Act (42 U.S.C. 300gg–1(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 offering*
 12 *group health insurance coverage in connection*
 13 *with a group health plan, may not deny benefits*
 14 *otherwise provided under the plan or coverage*
 15 *for the treatment of an injury solely because such*
 16 *injury resulted from the participation of the in-*
 17 *dividual in a legal mode of transportation or a*
 18 *legal recreational activity.”.*

19 **(c) INTERNAL REVENUE CODE.**—*Section 9802(a)(3) of*
 20 *the Internal Revenue Code of 1986 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:*

1 “(B) *LIMITATION ON DENIAL OF BENE-*
2 *FITS.—For purposes of paragraph (2), a group*
3 *health plan may not deny benefits otherwise pro-*
4 *vided under the plan for the treatment of an in-*
5 *jury solely because such injury resulted from the*
6 *participation of the individual in a legal mode*
7 *of transportation or a legal recreational activ-*
8 *ity.”.*

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