

111TH CONGRESS
1ST SESSION

H. R. 2635

To amend title XXVII of the Public Health Service Act to prohibit gender rating in the group and individual markets for health insurance coverage, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

MAY 21, 2009

Ms. LINDA T. SÁNCHEZ of California (for herself, Ms. GINNY BROWN-WAITE of Florida, Mr. NEAL of Massachusetts, Ms. SCHWARTZ, Mrs. CAPPS, and Mrs. DAHLKEMPER) introduced the following bill; which was referred to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, 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 amend title XXVII of the Public Health Service Act to prohibit gender rating in the group and individual markets for health insurance coverage, 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 “Gender Equity in
5 Health Premiums Act”.

1 **SEC. 2. PROHIBITING GENDER RATING IN THE GROUP AND**
2 **INDIVIDUAL HEALTH INSURANCE COVERAGE**
3 **MARKETS.**

4 (a) GROUP HEALTH PLANS.—

5 (1) PUBLIC HEALTH SERVICE ACT AMEND-
6 MENT.—Section 2702(b)(1) of the Public Health
7 Service Act (42 U.S.C. 300gg–1(b)(1)) is amended
8 by inserting before the period the following: “or on
9 the basis of the gender of such individual or depend-
10 ent”.

11 (2) INTERNAL REVENUE CODE OF 1986 AMEND-
12 MENT.—Section 9802(b)(1) of the Internal Revenue
13 Code of 1986 is amended by inserting before the pe-
14 riod the following: “or on the basis of the gender of
15 such individual or dependent”.

16 (b) INDIVIDUAL MARKET.—Subpart 2 of part B of
17 title XXVII of the Public Health Service Act (42 U.S.C.
18 300gg–51 et seq.) is amended by adding at the end the
19 following new section:

20 **“SEC. 2754. PROHIBITING GENDER RATING.**

21 “Insofar as the provisions of section 2702(b)(1) apply
22 to gender, such provisions shall apply to health insurance
23 coverage offered by a health insurance issuer in the indi-
24 vidual market in the same manner as they apply to health
25 insurance coverage offered by a health insurance issuer
26 in connection with a group health plan.”.

1 (c) EFFECTIVE DATE.—

2 (1) GROUP HEALTH PLANS.—The amendments
3 made by subsection (a) shall apply to plan years be-
4 ginning on or after the date that is 6 months after
5 the date of the enactment of this Act.

6 (2) INDIVIDUAL MARKET.—The amendment
7 made by subsection (b) shall apply with respect to
8 health insurance coverage offered, sold, issued, re-
9 newed, in effect, or operated in the individual mar-
10 ket for plan years beginning on or after the date
11 that is 6 months after the date of the enactment of
12 this Act.

13 **SEC. 3. GAO STUDY AND REPORT ON EFFECTIVENESS OF**
14 **ENFORCEMENT MECHANISMS IN GROUP AND**
15 **INDIVIDUAL HEALTH INSURANCE COVERAGE**
16 **MARKETS.**

17 (a) STUDY.—The Comptroller General of the United
18 States shall conduct a study evaluating the extent to which
19 the provisions of parts A and B of title XXVII of the Pub-
20 lic Health Service Act (42 U.S.C. 300gg et seq.) are effec-
21 tively enforced pursuant to sections 2722 and 2761 of
22 such Act (42 U.S.C. 300gg–22, 300gg–61), respectively.

23 (b) REPORT.—Not later than 3 years after the date
24 of the enactment of this Act, the Comptroller General of
25 the United States shall submit to the appropriate Commit-

tees of Congress a report on the results of the study conducted under subsection (a), including recommendations on how to improve the enforcement of the provisions of the subtitles described in such subsection.

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