

111TH CONGRESS
1ST SESSION

S. 1149

To eliminate annual and lifetime aggregate limits imposed by health plans.

IN THE SENATE OF THE UNITED STATES

MAY 21, 2009

Mr. REID (for Mr. ROCKEFELLER) introduced the following bill; which was read twice and referred to the Committee on Health, Education, Labor, and Pensions

A BILL

To eliminate annual and lifetime aggregate limits imposed by health plans.

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 “Annual and Lifetime
5 Health Care Limit Elimination Act of 2009”.

6 **SEC. 2. AMENDMENTS TO THE EMPLOYEE RETIREMENT IN-**
7 **COME SECURITY ACT OF 1974.**

8 (a) IN GENERAL.—Subpart B of part 7 of subtitle
9 B of title I of the Employee Retirement Income Security

1 Act of 1974 (29 U.S.C. 1185 et seq.) is amended by add-
2 ing at the end the following:

3 **“SEC. 715. ELIMINATION OF ANNUAL OR LIFETIME AGGRE-**
4 **GATE LIMITS.**

5 “(a) IN GENERAL.—A group health plan and a health
6 insurance issuer providing health insurance coverage in
7 connection with a group health plan, may not impose an
8 aggregate dollar annual or lifetime limit with respect to
9 benefits payable under the plan or coverage.

10 “(b) DEFINITION.—In this section, the term ‘aggre-
11 gate dollar annual or lifetime limit’ means, with respect
12 to benefits under a group health plan or health insurance
13 coverage, a dollar limitation on the total amount that may
14 be paid with respect to such benefits under the plan or
15 health insurance coverage with respect to an individual or
16 other coverage unit on an annual or lifetime basis.”.

17 (b) CLERICAL AMENDMENT.—The table of contents
18 in section 1 of such Act, is amended by inserting after
19 the item relating to section 714 the following new item:

“Sec. 715. Elimination of annual or lifetime aggregate limits.”.

20 (c) EFFECTIVE DATE.—The amendments made by
21 this section shall apply with respect to plan years begin-
22 ning on or after the date that is 1 year after the date
23 of enactment of this Act.

1 **SEC. 3. AMENDMENT TO THE PUBLIC HEALTH SERVICE ACT**
2 **RELATING TO THE GROUP MARKET.**

3 (a) IN GENERAL.—Subpart 2 of part A of title
4 XXVII of the Public Health Service Act (42 U.S.C.
5 300gg–4 et seq.) is amended by adding at the end the
6 following:

7 **“SEC. 2708. ELIMINATION OF ANNUAL OR LIFETIME AGGREGATE**
8 **GATE LIMITS.**

9 “(a) IN GENERAL.—A group health plan and a health
10 insurance issuer providing health insurance coverage in
11 connection with a group health plan, may not impose an
12 aggregate dollar annual or lifetime limit with respect to
13 benefits payable under the plan or coverage.

14 “(b) DEFINITION.—In this section, the term ‘aggregate
15 dollar annual or lifetime limit’ means, with respect
16 to benefits under a group health plan or health insurance
17 coverage, a dollar limitation on the total amount that may
18 be paid with respect to such benefits under the plan or
19 health insurance coverage with respect to an individual or
20 other coverage unit on an annual or lifetime basis.”.

21 (b) INDIVIDUAL MARKET.—Subpart 2 of part B of
22 title XXVII of the Public Health Service Act (42 U.S.C.
23 300gg–51 et seq.) is amended by adding at the end the
24 following:

1 **“SEC. 2754. ELIMINATION OF ANNUAL OR LIFETIME AGGRE-**
2 **GATE LIMITS.**

3 “The provisions of section 2708 shall apply to health
4 insurance coverage offered by a health insurance issuer
5 in the individual market in the same manner as they apply
6 to health insurance coverage offered by a health insurance
7 issuer in connection with a group health plan in the small
8 or large group market.”.

9 (c) **EFFECTIVE DATE.**—The amendments made by
10 this section shall apply with respect to plan years begin-
11 ning on or after the date that is 1 year after the date
12 of enactment of this Act.

○