

111TH CONGRESS  
2D SESSION

# S. 3182

To provide for equal access to COBRA continuation coverage.

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IN THE SENATE OF THE UNITED STATES

MARCH 25, 2010

Mrs. BOXER introduced the following bill; which was read twice and referred to the Committee on Health, Education, Labor, and Pensions

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## A BILL

To provide for equal access to COBRA continuation coverage.

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 “Equal Access to  
5       COBRA Act of 2010”.

6       **SEC. 2. AMENDMENTS TO THE INTERNAL REVENUE CODE**

7                       **OF 1986.**

8       (a)           **QUALIFIED           BENEFICIARY.**—Section  
9       4980B(g)(1)(A) of the Internal Revenue Code of 1986 is  
10      amended in the matter preceding clause (i) by inserting  
11      “including, but not limited to” after “under the plan”.

1 (b) SPECIAL RULE FOR RETIREES AND WIDOWS.—  
2 Section 4980B(g)(1)(D) of the Internal Revenue Code of  
3 1986 is amended in the matter preceding clause (i) by in-  
4 serting “including, but not limited to” after “under the  
5 plan”.

6 (c) SPECIAL RULE FOR CERTAIN BANKRUPTCY PRO-  
7 CEEDINGS.—Section 4980B(f)(2)(B)(i)(III) of the Inter-  
8 nal Revenue Code of 1986 is amended—

9 (1) by striking “proceedings),” and inserting  
10 “proceedings):”; and

11 (2) by striking “or qualified beneficiary (de-  
12 scribed in subsection (g)(1)(D)(iii)), or in the case  
13 of the surviving spouse or dependent children of the  
14 covered employee” and inserting “, qualified bene-  
15 ficiary (described in subsection (g)(1)(D)(iii)), or  
16 surviving domestic partner as determined under the  
17 plan; or in the case of a qualified beneficiary de-  
18 scribed in subsection (g)(1)(D)”.

19 (d) QUALIFYING EVENT.—Section 4980B(f)(3) of  
20 the Internal Revenue Code of 1986 is amended by insert-  
21 ing after subparagraph (F) the following:

22 “(G) The qualified beneficiary ceases to be  
23 the covered employee’s domestic partner as de-  
24 termined under the plan.”.

1 (e) NOTICE REQUIREMENTS.—Section  
 2 4980B(f)(6)(A) of the Internal Revenue Code of 1986 is  
 3 amended by striking “and spouse of the employee (if  
 4 any)” and inserting “and, if any, such covered employee’s  
 5 qualified beneficiaries who are age 19 or older”.

6 **SEC. 3. AMENDMENTS TO THE EMPLOYEE RETIREMENT IN-**  
 7 **COME SECURITY ACT OF 1974.**

8 (a) QUALIFIED BENEFICIARY.—Section 607(3)(A) of  
 9 the Employee Retirement Income Security Act of 1974  
 10 (29 U.S.C. 1167(3)(A)) is amended in the matter pre-  
 11 ceding clause (i) by inserting “including, but not limited  
 12 to” after “under the plan”.

13 (b) SPECIAL RULE FOR RETIREES AND WIDOWS.—  
 14 Section 607(3)(C) of the Employee Retirement Income Se-  
 15 curity Act of 1974 (29 U.S.C. 1167(3)(C)) is amended  
 16 in the matter preceding clause (i) by inserting “including,  
 17 but not limited to” after “under the plan”.

18 (c) SPECIAL RULE FOR CERTAIN BANKRUPTCY PRO-  
 19 CEEDINGS.—Section 602(2)(A)(iii) of the Employee Re-  
 20 tirement Income Security Act of 1974 (29 U.S.C.  
 21 1162(2)(A)(iii)) is amended—

22 (1) by striking “proceedings),” and inserting  
 23 “proceedings:.”; and

24 (2) by striking “or qualified beneficiary (de-  
 25 scribed in section 607(3)(C)(iii)), or in the case of

1 the surviving spouse or dependent children of the  
 2 covered employee” and inserting “, qualified bene-  
 3 ficiary (described in section 607(3)(C)(iii)), or sur-  
 4 viving domestic partner as determined under the  
 5 plan; or in the case of a qualified beneficiary de-  
 6 scribed in section 607(3)(C)”.

7 (d) QUALIFYING EVENT.—Section 603 of the Em-  
 8 ployee Retirement Income Security Act of 1974 (29  
 9 U.S.C. 1163) is amended by inserting after paragraph (6)  
 10 the following:

11 “(7) The qualified beneficiary ceases to be the  
 12 covered employee’s domestic partner as determined  
 13 under the plan.”.

14 (e) NOTICE REQUIREMENTS.—Section 606(a)(1) of  
 15 the Employee Retirement Income Security Act of 1974  
 16 (29 U.S.C. 1166(a)(1)) is amended by striking “and  
 17 spouse of the employee (if any)” and inserting “and, if  
 18 any, such covered employee’s qualified beneficiaries who  
 19 are age 19 or older”.

20 **SEC. 4. AMENDMENTS TO THE PUBLIC HEALTH SERVICE**  
 21 **ACT.**

22 (a) QUALIFIED BENEFICIARY.—Section 2208(3)(A)  
 23 of the Public Health Service Act (42 U.S.C. 300bb-  
 24 8(3)(A)) is amended in the matter preceding clause (i) by

1 inserting “including, but not limited to” after “under the  
2 plan”.

3 (b) QUALIFYING EVENT.—Section 2203 of the Public  
4 Health Service Act (42 U.S.C. 300bb–3) is amended by  
5 inserting after paragraph (6) the following:

6 “(7) The qualified beneficiary ceases to be the  
7 covered employee’s domestic partner as determined  
8 under the plan.”.

9 (c) NOTICE REQUIREMENTS.—Section 2206(1) of the  
10 Public Health Service Act (42 U.S.C. 300bb–6(1)) is  
11 amended by striking “and spouse of the employee (if  
12 any)” and inserting “and, if any, such covered employee’s  
13 qualified beneficiaries who are age 19 or older”.

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