

**Suspend the Rules and Pass the Bill, HR. 3192, with An Amendment**

**(The amendment strikes all after the enacting clause and inserts a new text)**

115<sup>TH</sup> CONGRESS  
2<sup>D</sup> SESSION

# H. R. 3192

To amend title XXI of the Social Security Act to ensure access to mental health services for children under the Children's Health Insurance Program, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

JULY 12, 2017

Mr. KENNEDY (for himself and Mrs. NAPOLITANO) introduced the following bill; which was referred to the Committee on Energy and Commerce

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## A BILL

To amend title XXI of the Social Security Act to ensure access to mental health services for children under the Children's Health Insurance Program, 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 "CHIP Mental Health  
5 Parity Act".

1 **SEC. 2. ENSURING ACCESS TO MENTAL HEALTH AND SUB-**  
2 **STANCE USE DISORDER SERVICES FOR CHIL-**  
3 **DREN AND PREGNANT WOMEN UNDER THE**  
4 **CHILDREN'S HEALTH INSURANCE PROGRAM.**

5 (a) IN GENERAL.—Section 2103(c)(1) of the Social  
6 Security Act (42 U.S.C. 1397cc(e)(1)) is amended by add-  
7 ing at the end the following new subparagraph:

8 “(E) Mental health and substance use dis-  
9 order services (as defined in paragraph (5)).”.

10 (b) MENTAL HEALTH AND SUBSTANCE USE DIS-  
11 ORDER SERVICES.—

12 (1) IN GENERAL.—Section 2103(c) of the So-  
13 cial Security Act (42 U.S.C. 1397cc(e)) is amend-  
14 ed—

15 (A) by redesignating paragraphs (5), (6),  
16 (7), and (8) as paragraphs (6), (7), (8), and  
17 (9), respectively; and

18 (B) by inserting after paragraph (4) the  
19 following new paragraph:

20 “(5) MENTAL HEALTH AND SUBSTANCE USE  
21 DISORDER SERVICES.—Regardless of the type of cov-  
22 erage elected by a State under subsection (a), child  
23 health assistance provided under such coverage for  
24 targeted low-income children and, in the case that  
25 the State elects to provide pregnancy-related assist-  
26 ance under such coverage pursuant to section 2112,

1 such pregnancy-related assistance for targeted low-  
2 income women (as defined in section 2112(d))  
3 shall—

4 “(A) include coverage of mental health  
5 services (including behavioral health treatment)  
6 necessary to prevent, diagnose, and treat a  
7 broad range of mental health symptoms and  
8 disorders, including substance use disorders;  
9 and

10 “(B) be delivered in a culturally and lin-  
11 guistically appropriate manner.”.

12 (2) CONFORMING AMENDMENTS.—

13 (A) Section 2103(a) of the Social Security  
14 Act (42 U.S.C. 1397cc(a)) is amended, in the  
15 matter before paragraph (1), by striking “para-  
16 graphs (5), (6), and (7)” and inserting “para-  
17 graphs (5), (6), (7), and (8)”.

18 (B) Section 2110(a) of the Social Security  
19 Act (42 U.S.C. 1397jj(a)) is amended—

20 (i) in paragraph (18), by striking  
21 “substance abuse” each place it appears  
22 and inserting “substance use”; and

23 (ii) in paragraph (19), by striking  
24 “substance abuse” and inserting “sub-  
25 stance use”.

1 (C) Section 2110(b)(5)(A)(i) of the Social  
2 Security Act (42 U.S.C. 1397jj(b)(5)(A)(i)) is  
3 amended by striking “subsection (c)(5)” and in-  
4 serting “subsection (c)(6)”.

5 (c) ASSURING ACCESS TO CARE.—Section  
6 2102(a)(7)(B) of the Social Security Act (42 U.S.C.  
7 1397bb(c)(2)) is amended by striking “section  
8 2103(c)(5)” and inserting “paragraphs (5) and (6) of sec-  
9 tion 2103(c)”.

10 (d) MENTAL HEALTH SERVICES PARITY.—Subpara-  
11 graph (A) of paragraph (7) of section 2103(c) of the So-  
12 cial Security Act (42 U.S.C. 1397cc(e)) (as redesignated  
13 by subsection (b)(1)) is amended to read as follows:

14 “(A) IN GENERAL.—A State child health  
15 plan shall ensure that the financial require-  
16 ments and treatment limitations applicable to  
17 mental health and substance use disorder serv-  
18 ices (as described in paragraph (5)) provided  
19 under such plan comply with the requirements  
20 of section 2726(a) of the Public Health Service  
21 Act in the same manner as such requirements  
22 or limitations apply to a group health plan  
23 under such section.”.

24 (e) EFFECTIVE DATE.—

1           (1) IN GENERAL.—Subject to paragraph (2),  
2           the amendments made by this section shall take ef-  
3           fect with respect to child health assistance provided  
4           on or after the date that is one year after the date  
5           of the enactment of this Act.

6           (2) EXCEPTION FOR STATE LEGISLATION.—In  
7           the case of a State child health plan under title XXI  
8           of the Social Security Act (or a waiver of such plan),  
9           which the Secretary of Health and Human Services  
10          determines requires State legislation in order for the  
11          respective plan (or waiver) to meet any requirement  
12          imposed by the amendments made by this section,  
13          the respective plan (or waiver) shall not be regarded  
14          as failing to comply with the requirements of such  
15          title solely on the basis of its failure to meet such  
16          an additional requirement before the first day of the  
17          first calendar quarter beginning after the close of  
18          the first regular session of the State legislature that  
19          begins after the date of enactment of this section.  
20          For purposes of the previous sentence, in the case  
21          of a State that has a 2-year legislative session, each  
22          year of the session shall be considered to be a sepa-  
23          rate regular session of the State legislature.