

**AMENDMENT IN THE NATURE OF A SUBSTITUTE
TO H.R. 3192
OFFERED BY M . _____**

Strike all after the enacting clause and insert the following:

1 SECTION 1. SHORT TITLE.

2 This Act may be cited as the “CHIP Mental Health
3 Parity Act”.

**4 SEC. 2. ENSURING ACCESS TO MENTAL HEALTH AND SUB-
5 STANCE USE DISORDER SERVICES FOR CHIL-
6 DREN UNDER THE CHILDREN’S HEALTH IN-
7 SURANCE PROGRAM.**

8 (a) IN GENERAL.—Section 2103 of the Social Secu-
9 rity Act (42 U.S.C. 1397cc) is amended—

10 (1) in subsection (a)(1), by inserting before the
11 period the following: “and includes mental health
12 and substance use disorder services (as described in
13 paragraph (5))”; and

14 (2) in subsection (c)(1), by adding at the end
15 the following new subparagraph:

16 “(E) Mental health and substance use dis-
17 order services (as described in paragraph (5)).”.

18 (b) MENTAL HEALTH SERVICES.—

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

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

7 (B) by inserting after paragraph (4) the
8 following new paragraph:

9 “(5) MENTAL HEALTH AND SUBSTANCE USE
10 DISORDER SERVICES.—The child health assistance
11 provided to a targeted low-income child shall—

12 “(A) include coverage of mental health
13 services (including behavioral health treatment)
14 necessary to prevent, diagnose, and treat a
15 broad range of mental health symptoms and
16 disorders, including substance use disorders;
17 and

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

20 (2) CONFORMING AMENDMENTS.—

21 (A) Section 2103(a) of the Social Security
22 Act (42 U.S.C. 1397cc(a)) is amended, in the
23 matter before paragraph (1), by striking “para-
24 graphs (5), (6), and (7)” and inserting “para-
25 graphs (5), (6), (7), and (8)”.

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

3 (i) in paragraph (18), by striking
4 “substance abuse” each place it appears
5 and inserting “substance use”; and

6 (ii) in paragraph (19), by striking
7 “substance abuse” and inserting “sub-
8 stance use”.

9 (C) Section 2110(b)(5)(A)(i) of the Social
10 Security Act (42 U.S.C. 1397ee(b)(5)(A)(i)) is
11 amended by striking “subsection (c)(5)” and in-
12 serting “subsection (c)(6)”.

13 (c) ASSURING ACCESS TO CARE.—Section
14 2102(a)(7)(B) of the Social Security Act (42 U.S.C.
15 1397bb(c)(2)) is amended by striking “section
16 2103(c)(5)” and inserting “paragraphs (5) and (6) of sec-
17 tion 2103(c)”.

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

22 “(A) IN GENERAL.—A State child health
23 plan shall ensure that the financial require-
24 ments and treatment limitations applicable to
25 mental health and substance use disorder serv-

1 ices (as described in paragraph (5)) provided
2 under such plan comply with the requirements
3 of section 2726(a) of the Public Health Service
4 Act in the same manner as such requirements
5 or limitations apply to a group health plan
6 under such section.”.

7 (e) EFFECTIVE DATE.—

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

13 (2) EXCEPTION FOR STATE LEGISLATION.—In
14 the case of a State child health plan under title XXI
15 of the Social Security Act (or a waiver of such plan),
16 which the Secretary of Health and Human Services
17 determines requires State legislation in order for the
18 respective plan (or waiver) to meet any requirement
19 imposed by the amendments made by this section,
20 the respective plan (or waiver) shall not be regarded
21 as failing to comply with the requirements of such
22 title solely on the basis of its failure to meet such
23 an additional requirement before the first day of the
24 first calendar quarter beginning after the close of
25 the first regular session of the State legislature that

1 begins after the date of the enactment of this Act.
2 For purposes of the previous sentence, in the case
3 of a State that has a 2-year legislative session, each
4 year of the session shall be considered to be a sepa-
5 rate regular session of the State legislature.

