

103<sup>D</sup> CONGRESS  
1<sup>ST</sup> SESSION

# H. R. 1877

To amend title I of the Employee Retirement Income Security Act of 1974 to prohibit group health plans which provide coverage of dependent children of participants from excluding from coverage dependent children placed with participants for adoption, irrespective of whether the adoption has taken effect, and to prohibit restrictions on coverage under such plans of such children solely on the basis of preexisting conditions at the time such children would otherwise become eligible for coverage.

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## IN THE HOUSE OF REPRESENTATIVES

APRIL 28, 1993

Mr. ACKERMAN (for himself, Mr. HYDE, Mrs. SCHROEDER, and Mr. SMITH of New Jersey) introduced the following bill; which was referred to the Committee on Education and Labor

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## A BILL

To amend title I of the Employee Retirement Income Security Act of 1974 to prohibit group health plans which provide coverage of dependent children of participants from excluding from coverage dependent children placed with participants for adoption, irrespective of whether the adoption has taken effect, and to prohibit restrictions on coverage under such plans of such children solely on the basis of preexisting conditions at the time such children would otherwise become eligible for coverage.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Health Coverage for  
3 Adopted Children Act of 1993”.

4 **SEC. 2. RULES GOVERNING GROUP HEALTH PLAN COV-**  
5 **ERAGE FOR DEPENDENT CHILDREN IN ADOP-**  
6 **TION CASES.**

7 (a) IN GENERAL.—Part 2 of subtitle B of title I of  
8 the Employee Retirement Income Security Act of 1974 is  
9 amended—

10 (1) by redesignating section 211 (29 U.S.C.  
11 1061) as section 212; and

12 (2) by inserting after section 210 (29 U.S.C.  
13 1060) the following new section:

14 “GROUP HEALTH PLAN COVERAGE OF DEPENDENT  
15 CHILDREN IN CASES OF ADOPTION

16 “SEC. 211. (a) COVERAGE EFFECTIVE UPON PLACE-  
17 MENT FOR ADOPTION.—A group health plan providing  
18 coverage for dependent children of participants shall pro-  
19 vide such coverage for each dependent child placed with  
20 a participant for adoption by the participant in accordance  
21 with applicable State law, irrespective of whether the  
22 adoption has become final.

23 “(b) RESTRICTIONS BASED ON PREEXISTING CONDI-  
24 TIONS AT TIME OF PLACEMENT FOR ADOPTION PROHIB-  
25 ITED.—A group health plan may not restrict coverage  
26 under the plan of any dependent child adopted by a partic-

1 ipant, or placed with a participant for adoption by the par-  
2 ticipant in accordance with applicable State law, solely on  
3 the basis of a preexisting condition of such child at the  
4 time that such child would otherwise become eligible for  
5 coverage under the plan, if the adoption or placement for  
6 adoption occurs while the participant is eligible for cov-  
7 erage under the plan.

8 “(c) DEFINITIONS.—For purposes of this section—

9 “(1) GROUP HEALTH PLAN.—The term ‘group  
10 health plan’ has the meaning provided such term  
11 under section 607(1).

12 “(2) CHILD.—The term ‘child’ means, in con-  
13 nection with any adoption, or placement for adop-  
14 tion, of the child, an individual who has not attained  
15 age 18 as of the date of such adoption or placement  
16 for adoption.

17 “(3) PLACEMENT FOR ADOPTION.—The term  
18 ‘placement’, or being ‘placed’, for adoption, in con-  
19 nection with any placement for adoption of a child  
20 with any person, means the assumption and reten-  
21 tion by such person of a legal obligation for total or  
22 partial support of such child in anticipation of adop-  
23 tion of such child. The child’s placement with such  
24 person terminates upon the termination of such legal  
25 obligation.”.

1 (b) STATE ASSISTANCE TO EMPLOYERS.—Section  
2 514(b) of such Act (29 U.S.C. 1144(b)) is amended by  
3 adding at the end the following new paragraph:

4 “(9) Subsection (a) of this section shall not apply to  
5 any provision of State law to the extent it provides for  
6 reinsurance or similar assistance for plan sponsors in con-  
7 nection with coverage required to be provided under sec-  
8 tion 211.”.

9 (c) CONFORMING AMENDMENTS.—

10 (1) Section 201(1) of such Act (29 U.S.C.  
11 1051(1)) is amended by inserting after “plan” the  
12 following “(except as provided in section 211)”.

13 (2) The table of contents in section 1 of such  
14 Act is amended by striking the item relating to sec-  
15 tion 211 and inserting the following new items:

“Sec. 211. Group health plan coverage of dependent children in cases of adop-  
tion.

“Sec. 212. Effective dates.”.

16 **SEC. 3. EFFECTIVE DATE.**

17 (a) GENERAL RULE.—The amendments made by sec-  
18 tion 2 shall apply with respect to plan years beginning on  
19 or after January 1, 1994.

20 (b) COLLECTIVE BARGAINING AGREEMENTS.—In the  
21 case of a group health plan maintained pursuant to one  
22 or more collective bargaining agreements between em-  
23 ployee representatives and one or more employers ratified  
24 before the date of the enactment of this Act, the amend-

1 ments made by section 2 shall not apply to plan years be-  
2 ginning before the later of—

3           (1) the date on which the last of the collective  
4 bargaining agreements relating to the plan termi-  
5 nates (determined without regard to any extension  
6 thereof agreed to after the date of the enactment of  
7 this Act), or

8           (2) January 1, 1994.

9 For purposes of paragraph (1), any plan amendment made  
10 pursuant to a collective bargaining agreement relating to  
11 the plan which amends the plan solely to conform to any  
12 requirement added by section 2 shall not be treated as  
13 a termination of such collective bargaining agreement.

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