

106TH CONGRESS  
1ST SESSION

# H. R. 2113

To amend title I of the Employee Retirement Income Security Act of 1974 to ensure proper disclosure to participants and beneficiaries under group health plans covered under such title of limitations placed by such title on certain protections that would otherwise apply under State law.

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## IN THE HOUSE OF REPRESENTATIVES

JUNE 9, 1999

Mr. SNYDER (for himself, Mr. GREEN of Texas, Mr. FROST, Mr. OLVER, and Mr. HINCHEY) introduced the following bill; which was referred to the Committee on Education and the Workforce

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## A BILL

To amend title I of the Employee Retirement Income Security Act of 1974 to ensure proper disclosure to participants and beneficiaries under group health plans covered under such title of limitations placed by such title on certain protections that would otherwise apply under State law.

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 “Group Health Plan  
5 Disclosure Act of 1999”.

1 **SEC. 2. NOTICE TO PARTICIPANTS AND BENEFICIARIES OF**  
2 **GROUP HEALTH PLANS OF EFFECT OF ERISA**  
3 **LIMITATIONS ON PROTECTIONS OTHERWISE**  
4 **APPLICABLE UNDER STATE LAW.**

5 (a) IN GENERAL.—Section 102 of the Employee Re-  
6 tirement Income Security Act of 1974 (29 U.S.C. 1022)  
7 is amended by adding at the end the following new sub-  
8 section:

9 “(c) In the case of a group health plan (as defined  
10 in section 733(a)(1)), the summary plan description shall  
11 include a separate written notice stating that—

12 “(1) the provision of Federal causes of action  
13 under this title may preclude other State law causes  
14 of action against a group health plan, or against a  
15 health insurance issuer offering health insurance  
16 coverage in connection with a group health plan,  
17 which would otherwise be available to a participant  
18 or beneficiary, and

19 “(2) preemption of State laws under section  
20 514 may preclude the effectiveness of certain State  
21 mandates that would otherwise apply to group  
22 health plans or plan benefits.

23 The plan administrator shall ensure that such a notice,  
24 meeting the preceding requirements of this subsection and  
25 written in a manner calculated to be understood by the

1 average plan participant, is provided to participants and  
2 beneficiaries at least annually.”.

3 (b) DAILY MONETARY PENALTIES AND OTHER RE-  
4 LIEF FOR VIOLATIONS.—Section 502(c)(1) of such Act  
5 (29 U.S.C. 1132(c)(1)) is amended by inserting “, section  
6 102(c),” after “section 606”.

7 **SEC. 3. EFFECTIVE DATE.**

8 The amendments made by this Act shall apply with  
9 respect to plan years beginning on or after January 1,  
10 2001.

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