

106TH CONGRESS
2D SESSION

S. 3073

To amend titles V, XVIII, and XIX of the Social Security Act to promote smoking cessation under the medicare program, the medicaid program, and the maternal and child health program.

IN THE SENATE OF THE UNITED STATES

SEPTEMBER 19, 2000

Mr. DURBIN (for himself and Mr. BROWNBACK) introduced the following bill;
which was read twice and referred to the Committee on Finance

A BILL

To amend titles V, XVIII, and XIX of the Social Security Act to promote smoking cessation under the medicare program, the medicaid program, and the maternal and child health program.

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 “Medicare, Medicaid,
5 and MCH Smoking Cessation Promotion Act of 2000”.

1 **SEC. 2. COVERAGE OF COUNSELING FOR CESSATION OF**
 2 **TOBACCO USE UNDER THE MEDICARE PRO-**
 3 **GRAM.**

4 (a) **COVERAGE.**—Section 1861(s)(2) of the Social Se-
 5 curity Act (42 U.S.C. 1395x(s)(2)) is amended—

6 (1) in subparagraph (S), by striking “and” at
 7 the end;

8 (2) in subparagraph (T), by adding “and” at
 9 the end; and

10 (3) by adding at the end the following:

11 “(U) counseling for cessation of tobacco use (as
 12 defined in section 1861(uu));”.

13 (b) **COUNSELING DESCRIBED.**—Section 1861 of the
 14 Social Security Act Act (42 U.S.C. 1395x) is amended by
 15 adding at the end the following:

16 “Counseling for Cessation of Tobacco Use

17 “(uu)(1) Except as provided in paragraph (2), the
 18 term ‘counseling for cessation of tobacco use’ may include
 19 diagnostic, therapy, and counseling services for cessation
 20 of tobacco use but only for individuals who have a history
 21 of tobacco use and only if the services are furnished—

22 “(A) by or under the supervision of a physician;

23 or

24 “(B) by any other health care professional who
 25 is legally authorized to furnish such services under
 26 State law (or the State regulatory mechanism pro-

1 vided by State law) of the State in which the serv-
2 ices are furnished.

3 “(2) Such term does not include counseling services
4 that have not been shown (or recognized by the Secretary)
5 to be effective.”.

6 (c) ELIMINATION OF COST-SHARING.—

7 (1) ELIMINATION OF COINSURANCE.—Section
8 1833(a)(1) of the Social Security Act (42 U.S.C.
9 1395l(a)(1)) is amended—

10 (A) by striking “and” before “(S)”; and

11 (B) by inserting before the semicolon at
12 the end the following: “, and (T) with respect
13 to counseling for cessation of tobacco use (as
14 defined in section 1861(uu), the amount paid
15 shall be 100 percent of the lesser of the actual
16 charge for the services or the amount deter-
17 mined by a fee schedule established by the Sec-
18 retary for purposes of this clause”.

19 (2) ELIMINATION OF DEDUCTIBLE.—The first
20 sentence of section 1833(b)(1) of the Social Security
21 Act (42 U.S.C. 1395l(b)(1)) is amended—

22 (A) by striking “and” before “(6)”; and

23 (B) by inserting before the period the fol-
24 lowing: “, and (7) such deductible shall not

1 apply with respect to counseling for cessation of
2 tobacco use (as defined in section 1861(uu))”.

3 (d) **EFFECTIVE DATE.**—The amendments made by
4 this section apply to services furnished on or after Janu-
5 ary 1, 2002.

6 **SEC. 3. MEDICAID PROGRAM.**

7 (a) **DROPPING EXCEPTION FROM MEDICAID PRE-**
8 **SCRIPTION DRUG COVERAGE FOR SMOKING CESSATION**
9 **MEDICATIONS.**—Section 1927(d)(2) of the Social Security
10 Act (42 U.S.C. 1396r–8(d)(2)) is amended—

11 (1) by striking subparagraph (E); and

12 (2) in subparagraph (F), by inserting before the
13 period at the end the following: “except agents ap-
14 proved by the Food and Drug Administration for
15 purposes of promoting, and when used to promote,
16 smoking cessation”.

17 (b) **REQUIRING COVERAGE OF SMOKING CESSATION**
18 **COUNSELING IN SERVICES FOR PREGNANT WOMEN.**—
19 Section 1902(a)(10)(C)(iii)(II) of the Social Security Act
20 (42 U.S.C. 1396a(a)(10)(C)(iii)(II)) is amended by insert-
21 ing “and counseling for cessation of tobacco use (as de-
22 fined in section 1861(uu))” after “prenatal care and deliv-
23 ery services”.

24 (c) **REMOVAL OF COST-SHARING FOR SMOKING CES-**
25 **SATION COUNSELING SERVICES FOR PREGNANT**

1 WOMEN.—Section 1916 of the Social Security Act (42
2 U.S.C. 1396o) is amended, in each of subsections
3 (a)(2)(B) and (b)(2)(B), by inserting “counseling for ces-
4 sation of tobacco use (as defined in section 1861(uu)) fur-
5 nished to pregnant women and other” after the subpara-
6 graph designation.

7 (d) EFFECTIVE DATE.—The amendments made by
8 this section apply to services furnished on or after Janu-
9 ary 1, 2002.

10 **SEC. 4. MATERNAL AND CHILD HEALTH PROGRAM.**

11 (a) QUALITY MATERNAL AND CHILD HEALTH SERV-
12 ICES INCLUDES SMOKING CESSATION COUNSELING AND
13 MEDICATIONS.—Section 501 of the Social Security Act
14 (42 U.S.C. 701) is amended by adding at the end the fol-
15 lowing new subsection:

16 “(c) For purposes of this title, counseling for ces-
17 sation of tobacco use (as defined in section 1861(uu)),
18 medications used to promote smoking cessation, and the
19 inclusion of anti-tobacco messages in health promotion
20 counseling shall be considered to be part of quality mater-
21 nal and child health services.”.

22 (b) EFFECTIVE DATE.—The amendment made by
23 subsection (a) takes effect on the date of the enactment
24 of this Act.

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