

109<sup>TH</sup> CONGRESS  
1<sup>ST</sup> SESSION

# H. R. 2793

To promote health care coverage parity for individuals engaged in legal use of certain modes of transportation.

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## IN THE HOUSE OF REPRESENTATIVES

JUNE 8, 2005

Mr. BURGESS (for himself, Mr. STRICKLAND, and Mr. BLUNT) introduced the following bill; which was referred to the Committee on Energy and Commerce, and in addition to the Committees on Ways and Means and Education and the Workforce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

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## A BILL

To promote health care coverage parity for individuals engaged in legal use of certain modes of transportation.

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 “HIPAA Recreational  
5 Injury Technical Correction Act”.

1 **SEC. 2. COVERAGE AMENDMENTS.**

2 (a) ERISA.—Section 702(a)(3) of the Employee Re-  
3 tirement Income Security Act of 1974 (29 U.S.C.  
4 1182(a)(3)) is amended—

5 (1) by striking “CONSTRUCTION.—For” and in-  
6 serting the following: “SCOPE.—

7 “(A) WAITING PERIODS.—For”; and

8 (2) by adding at the end the following:

9 “(B) LIMITATION ON DENIAL OF BENE-  
10 FITS.—Notwithstanding paragraph (2), a group  
11 health plan, or a health insurance issuer offer-  
12 ing group health insurance coverage in connec-  
13 tion with a group health plan, may not deny  
14 benefits otherwise provided under the plan or  
15 coverage for the treatment of an injury solely  
16 because such injury was sustained while en-  
17 gaged in any particular mode of transportation  
18 specified in the plan consisting of the use of a  
19 motorcycle, snowmobile, all-terrain vehicle, or  
20 other similar recreational vehicle or horseback  
21 riding. Nothing in this subparagraph shall be  
22 construed as—

23 “(i) prohibiting any such plan or  
24 issuer from excluding from coverage inju-  
25 ries sustained while engaged in such mode  
26 of transportation, if engaging in such mode

1 of transportation, or the particular vehicle  
2 itself, is illegal under applicable law, or  
3 “(ii) affecting the determination of  
4 primary and secondary insurance or sub-  
5 rogation or reimbursement rights between  
6 insurance policies.”.

7 (b) PHSA.—Section 2702(a)(3) of the Public Health  
8 Service Act (42 U.S.C. 300gg–1(a)(3)) is amended—

9 (1) by striking “CONSTRUCTION.—For” and in-  
10 serting the following: “SCOPE.—

11 “(A) WAITING PERIODS.—For”; and

12 (2) by adding at the end the following:

13 “(B) LIMITATION ON DENIAL OF BENE-  
14 FITS.—Notwithstanding paragraph (2), a group  
15 health plan, or a health insurance issuer offer-  
16 ing group health insurance coverage in connec-  
17 tion with a group health plan, may not deny  
18 benefits otherwise provided under the plan or  
19 coverage for the treatment of an injury solely  
20 because such injury was sustained while en-  
21 gaged in any particular mode of transportation  
22 specified in the plan consisting of the use of a  
23 motorcycle, snowmobile, all-terrain vehicle, or  
24 other similar recreational vehicle or horseback

1 riding. Nothing in this subparagraph shall be  
 2 construed as—

3 “(i) prohibiting any such plan or  
 4 issuer from excluding from coverage inju-  
 5 ries sustained while engaged in such mode  
 6 of transportation, if engaging in such mode  
 7 of transportation, or the particular vehicle  
 8 itself, is illegal under applicable law, or

9 “(ii) affecting the determination of  
 10 primary and secondary insurance or sub-  
 11 rogation or reimbursement rights between  
 12 insurance policies.”.

13 (c) INTERNAL REVENUE CODE.—Section 9802(a)(3)  
 14 of the Internal Revenue Code of 1986 is amended—

15 (1) by striking “CONSTRUCTION.—For” and in-  
 16 serting the following: “SCOPE.—

17 “(A) WAITING PERIODS.—For”; and

18 (2) by adding at the end the following:

19 “(B) LIMITATION ON DENIAL OF BENE-  
 20 FITS.—Notwithstanding paragraph (2), a group  
 21 health plan may not deny benefits otherwise  
 22 provided under the plan for the treatment of an  
 23 injury solely because such injury was sustained  
 24 while engaged in any particular mode of trans-  
 25 portation specified in the plan consisting of the

1 use of a motorcycle, snowmobile, all-terrain ve-  
2 hicle, or other similar recreational vehicle or  
3 horseback riding. Nothing in this subparagraph  
4 shall be construed as—

5 “(i) prohibiting any such plan from  
6 excluding from coverage injuries sustained  
7 while engaged in such mode of transpor-  
8 tation, if engaging in such mode of trans-  
9 portation, or the particular vehicle itself, is  
10 illegal under applicable law, or

11 “(ii) affecting the determination of  
12 primary and secondary insurance or sub-  
13 rogation or reimbursement rights between  
14 insurance policies.”.

15 (d) EFFECTIVE DATE.—The amendments made by  
16 this section shall apply with respect to injuries occurring  
17 during plan years beginning after 90 days after the date  
18 of the enactment of this Act.

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