

118TH CONGRESS
1ST SESSION

H. R. 3387

To amend the Public Health Service Act, the Employee Retirement Income Security Act of 1974, and the Internal Revenue Code of 1986 to provide for certain health coverage of newborns.

IN THE HOUSE OF REPRESENTATIVES

MAY 16, 2023

Ms. PORTER (for herself, Mrs. HINSON, Mr. NADLER, Mrs. GONZÁLEZ-COLÓN, Ms. BARRAGÁN, and Mr. FITZPATRICK) introduced the following bill; which was referred to the Committee on Energy and Commerce, and in addition to the Committees on Education and the Workforce, and Ways and Means, 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

A BILL

To amend the Public Health Service Act, the Employee Retirement Income Security Act of 1974, and the Internal Revenue Code of 1986 to provide for certain health coverage of newborns.

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 “No Surprise Bills for
5 New Moms Act”.

1 **SEC. 2. PROVIDING FOR CERTAIN HEALTH COVERAGE OF**
2 **NEWBORNS.**

3 (a) PHSA AMENDMENTS.—Section 2725 of the Pub-
4 lic Health Service Act (42 U.S.C. 300gg–25) is amend-
5 ed—

6 (1) by redesignating subsections (d) through (f)
7 as subsections (e) through (g), respectively;

8 (2) in subsection (b)—

9 (A) in paragraph (1), by inserting “(or, in
10 the case of subsection (d), the parent or new-
11 born child of such parent)” after “mother or
12 her newborn child”; and

13 (B) in paragraph (2), by inserting “(or, in
14 the case of subsection (d), parents)” after each
15 occurrence of “mothers”;

16 (3) by inserting after subsection (c) the fol-
17 lowing:

18 “(d) NEWBORN COVERAGE.—A group health plan,
19 and a health insurance issuer offering group or individual
20 health insurance coverage, shall, in the case of a parent
21 who is a participant or beneficiary in the plan or cov-
22 erage—

23 “(1) provide coverage to a newborn of such par-
24 ent for a 30-day period after the date of the birth
25 of such newborn for any service for which coverage
26 is otherwise provided under such plan or coverage;

1 “(2) provide for a special enrollment period to
2 enroll such newborn in the plan or coverage during
3 at least the 60-day period following the period speci-
4 fied in paragraph (1); and

5 “(3) in the case that such plan or coverage re-
6 ceives a claim for items and services furnished to
7 such newborn of such participant or beneficiary and
8 such newborn is not enrolled under such plan or cov-
9 erage, provide immediate notification to the partici-
10 pant or beneficiary that such newborn is not so en-
11 rolled.”; and

12 (4) in subsection (g)(1), as redesignated by
13 paragraph (1), by inserting “(other than subsection
14 (d))” after “this section”.

15 (b) ERISA AMENDMENTS.—Section 711 of the Em-
16 ployee Retirement Income Security Act of 1974 (29
17 U.S.C. 1185) is amended—

18 (1) by redesignating subsections (d) through (f)
19 as subsections (e) through (g), respectively;

20 (2) in subsection (b)—

21 (A) in paragraph (1), by inserting “(or, in
22 the case of subsection (d), the parent or new-
23 born child of such parent)” after “mother or
24 her newborn child”; and

1 (B) in paragraph (2), by inserting “(or, in
2 the case of subsection (d), parents)” after each
3 occurrence of “mothers”;

4 (3) by inserting after subsection (c) the fol-
5 lowing:

6 “(d) NEWBORN COVERAGE.—A group health plan,
7 and a health insurance issuer offering group health insur-
8 ance coverage, shall, in the case of a parent who is a par-
9 ticipant or beneficiary in the plan or coverage—

10 “(1) provide coverage to a newborn of such par-
11 ent for a 30-day period after the date of the birth
12 of such newborn for any service for which coverage
13 is otherwise provided under such plan or coverage;

14 “(2) provide for a special enrollment period to
15 enroll such newborn in the plan or coverage during
16 at least the 60-day period following the period speci-
17 fied in paragraph (1); and

18 “(3) in the case that such plan or coverage re-
19 ceives a claim for items and services furnished to
20 such newborn of such participant or beneficiary and
21 such newborn is not enrolled under such plan or cov-
22 erage, provide immediate notification to the partici-
23 pant or beneficiary that such newborn is not so en-
24 rolled.”; and

1 (4) in subsection (g)(1), as redesignated by
2 paragraph (1), by inserting “(other than subsection
3 (d))” after “this section”.

4 (c) IRC AMENDMENTS.—Section 9811 of the Inter-
5 nal Revenue Code of 1986 is amended—

6 (1) by redesignating subsections (d) and (e) as
7 subsections (e) and (f), respectively;

8 (2) in subsection (b)—

9 (A) in paragraph (1), by inserting “(or, in
10 the case of subsection (d), the parent or new-
11 born child of such parent)” after “mother or
12 her newborn child”; and

13 (B) in paragraph (2), by inserting “(or, in
14 the case of subsection (d), parents)” after each
15 occurrence of “mothers”;

16 (3) by inserting after subsection (c) the fol-
17 lowing:

18 “(d) NEWBORN COVERAGE.—A group health plan
19 shall, in the case of a parent who is a participant or bene-
20 ficiary in the plan—

21 “(1) provide coverage to a newborn of such par-
22 ent for a 30-day period after the date of the birth
23 of such newborn for any service for which coverage
24 is otherwise provided under such plan;

1 “(2) provide for a special enrollment period to
2 enroll such newborn in the plan during at least the
3 60-day period following the period specified in para-
4 graph (1); and

5 “(3) in the case that such plan receives a claim
6 for items and services furnished to such newborn of
7 such participant or beneficiary and such newborn is
8 not enrolled under such plan, provide immediate no-
9 tification to the participant or beneficiary that such
10 newborn is not so enrolled.”; and

11 (4) in the matter preceding paragraph (1) of
12 subsection (f), as redesignated by paragraph (1), by
13 inserting “(other than subsection (d))” after “this
14 section”.

15 (d) EFFECTIVE DATE.—The amendments made by
16 this section shall apply with respect to plan years begin-
17 ning on or after the date of the enactment of this Act.

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