

117<sup>TH</sup> CONGRESS  
2<sup>D</sup> SESSION

# H. R. 8886

To amend the Public Health Service Act, Internal Revenue Code of 1986, and Employee Retirement Income Security Act of 1974 to ensure mental health and substance use disorder benefits are defined pursuant to external benchmarks based on nationally recognized standards.

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## IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 19, 2022

Ms. MOORE of Wisconsin (for herself and Mr. SCHWEIKERT) introduced the following bill; which was referred to the Committee on Energy and Commerce, and in addition to the Committees on Education and Labor, 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

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## A BILL

To amend the Public Health Service Act, Internal Revenue Code of 1986, and Employee Retirement Income Security Act of 1974 to ensure mental health and substance use disorder benefits are defined pursuant to external benchmarks based on nationally recognized standards.

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 “Promoting Clarity in  
3 Mental Health and Substance Use Disorder Treatment  
4 Act”.

5 **SEC. 2. ENSURING MENTAL HEALTH AND SUBSTANCE USE**  
6 **DISORDER BENEFITS ARE DEFINED PURSU-**  
7 **ANT TO EXTERNAL BENCHMARKS BASED ON**  
8 **NATIONALLY RECOGNIZED STANDARDS.**

9 (a) PHSA.—Section 2726(e) of the Public Health  
10 Service Act (42 U.S.C. 300gg–26(e)) is amended—

11 (1) in paragraph (4), by adding at the end the  
12 following new sentence: “Any definition of the term  
13 ‘mental health condition’ applied for purposes of the  
14 previous sentence shall include at least the condi-  
15 tions (other than a substance use disorder) that fall  
16 under any of the diagnostic categories listed in the  
17 mental and behavioral disorders chapter of the most  
18 recent edition of the World Health Organization’s  
19 International Statistical Classification of Diseases  
20 and Related Health Problems, or that is listed in the  
21 most recent version of the American Psychiatric As-  
22 sociation’s Diagnostic and Statistical Manual of  
23 Mental Disorders.”; and

24 (2) in paragraph (5), by adding at the end the  
25 following new sentence: “Any definition of the term  
26 ‘substance use disorder’ applied for purposes of the

1 previous sentence shall include at least the disorders  
2 that fall under any of the diagnostic categories listed  
3 in the mental and behavioral disorders chapter of  
4 the most recent edition of the World Health Organi-  
5 zation’s International Statistical Classification of  
6 Diseases and Related Health Problems as a mental  
7 and behavioral disorder due to psychoactive sub-  
8 stance use (or equivalent category), or that is listed  
9 in the most recent version of the American Psy-  
10 chiatric Association’s Diagnostic and Statistical  
11 Manual of Mental Disorders as a substance-related  
12 and addictive disorder (or equivalent category).”.

13 (b) IRC.—Section 9812(e) of the Internal Revenue  
14 Code of 1986 is amended—

15 (1) in paragraph (4), by adding at the end the  
16 following new sentence: “Any definition of the term  
17 ‘mental health condition’ applied for purposes of the  
18 previous sentence shall include at least the condi-  
19 tions (other than a substance use disorder) that fall  
20 under any of the diagnostic categories listed in the  
21 mental and behavioral disorders chapter of the most  
22 recent edition of the World Health Organization’s  
23 International Statistical Classification of Diseases  
24 and Related Health Problems, or that is listed in the  
25 most recent version of the American Psychiatric As-

1       society’s Diagnostic and Statistical Manual of  
2       Mental Disorders.”; and

3               (2) in paragraph (5), by adding at the end the  
4       following new sentence: “Any definition of the term  
5       ‘substance use disorder’ applied for purposes of the  
6       previous sentence shall include at least the disorders  
7       that fall under any of the diagnostic categories listed  
8       in the mental and behavioral disorders chapter of  
9       the most recent edition of the World Health Organi-  
10      zation’s International Statistical Classification of  
11      Diseases and Related Health Problems as a mental  
12      and behavioral disorder due to psychoactive sub-  
13      stance use (or equivalent category), or that is listed  
14      in the most recent version of the American Psy-  
15      chiatric Association’s Diagnostic and Statistical  
16      Manual of Mental Disorders as a substance-related  
17      and addictive disorder (or equivalent category).”.

18      (c) ERISA.—Section 712(e) of the Employee Retire-  
19      ment Income Security Act of 1974 (29 U.S.C. 1185a(e))  
20      is amended—

21               (1) in paragraph (4), by adding at the end the  
22      following new sentence: “Any definition of the term  
23      ‘mental health condition’ applied for purposes of the  
24      previous sentence shall include at least the condi-  
25      tions (other than a substance use disorder) that fall

1 under any of the diagnostic categories listed in the  
2 mental and behavioral disorders chapter of the most  
3 recent edition of the World Health Organization’s  
4 International Statistical Classification of Diseases  
5 and Related Health Problems, or that is listed in the  
6 most recent version of the American Psychiatric As-  
7 sociation’s Diagnostic and Statistical Manual of  
8 Mental Disorders.”; and

9 (2) in paragraph (5), by adding at the end the  
10 following new sentence: “Any definition of the term  
11 ‘substance use disorder’ applied for purposes of the  
12 previous sentence shall include at least the disorders  
13 that fall under any of the diagnostic categories listed  
14 in the mental and behavioral disorders chapter of  
15 the most recent edition of the World Health Organi-  
16 zation’s International Statistical Classification of  
17 Diseases and Related Health Problems as a mental  
18 and behavioral disorder due to psychoactive sub-  
19 stance use (or equivalent category), or that is listed  
20 in the most recent version of the American Psy-  
21 chiatric Association’s Diagnostic and Statistical  
22 Manual of Mental Disorders as a substance-related  
23 and addictive disorder (or equivalent category).”.

24 (d) IMPLEMENTATION.—The Secretaries of Labor,  
25 Health and Human Services, and the Treasury may imple-

1 ment the provisions of, including the amendments made  
2 by, this section through interim final rule, sub-regulatory  
3 guidance, program instruction, or otherwise.

4 (e) EFFECTIVE DATE.—The amendments made by  
5 this section shall apply with respect to plan years begin-  
6 ning on or after the date that is 6 months after the date  
7 of the enactment of this Act.

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