

117TH CONGRESS
1ST SESSION

H. R. 1364

To amend the Employee Retirement Income Security Act of 1974 to strengthen parity in mental health and substance use disorder benefits, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 25, 2021

Mr. NORCROSS (for himself, Mr. COURTNEY, Mr. FITZPATRICK, and Ms. KUSTER) introduced the following bill; which was referred to the Committee on Education and Labor

A BILL

To amend the Employee Retirement Income Security Act of 1974 to strengthen parity in mental health and substance use disorder benefits, and for other purposes.

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 “Parity Enforcement
5 Act of 2021”.

1 **SEC. 2. AUTHORIZING ENFORCEMENT AUTHORITY FOR**
2 **MENTAL HEALTH AND SUBSTANCE USE DIS-**
3 **ORDER BENEFITS.**

4 (a) IN GENERAL.—Section 502(c)(10)(A) of the Em-
5 ployee Retirement Income Security Act of 1974 (29
6 U.S.C. 1132(c)(10)(A)) is amended by striking “for any
7 failure” and all that follows through “in connection with
8 the plan” and inserting “for any failure by such sponsor
9 or issuer, in connection with the plan—

10 “(i) to meet the requirements of sub-
11 section (a)(1)(F), (b)(3), (c), or (d) of sec-
12 tion 702 or section 701 or 702(b)(1) with
13 respect to genetic information; or

14 “(ii) to meet the requirements of sub-
15 section (a) of section 712 with respect to
16 parity in mental health and substance use
17 disorder benefits.”.

18 (b) TECHNICAL AND CONFORMING AMENDMENTS.—
19 Section 502 of such Act (29 U.S.C. 1132) is amended—

20 (1) in subsection (a)(6), by striking “or (9)”
21 and inserting “(9), or (10)”;

22 (2) in subsection (b)(3)—

23 (A) by striking “subsections (c)(9) and
24 (a)(6)” and inserting “subsections (c)(9),
25 (c)(10), and (a)(6)”;

1 (B) by striking “under subsection (c)(9)”
2 and inserting “under subsections (c)(9) and
3 (c)(10)”; and

4 (C) by striking “706(a)(1)” and inserting
5 “733(a)(1)”; and

6 (3) in subsection (c)(10) in the heading, by
7 striking “USE OF GENETIC INFORMATION” and in-
8 sserting “USE OF GENETIC INFORMATION AND PAR-
9 ITY IN MENTAL HEALTH AND SUBSTANCE USE DIS-
10 ORDER BENEFITS”.

11 (c) EFFECTIVE DATE.—The amendments made by
12 subsection (a) shall apply with respect to group health
13 plans for plan years beginning after the date that is 1
14 year after the date of enactment of this Act.

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