

117TH CONGRESS
2D SESSION

S. 4804

To provide for civil monetary penalties for violations of mental health parity requirements.

IN THE SENATE OF THE UNITED STATES

SEPTEMBER 8, 2022

Mr. MURPHY (for himself, Ms. SMITH, and Mr. LUJÁN) introduced the following bill; which was read twice and referred to the Committee on Health, Education, Labor, and Pensions

A BILL

To provide for civil monetary penalties for violations of mental health parity requirements.

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 2022”.

6 **SEC. 2. CIVIL MONETARY PENALTIES FOR PARITY VIOLA-**
7 **TIONS.**

8 (a) CIVIL MONETARY PENALTIES RELATING TO PAR-
9 ITY IN MENTAL HEALTH AND SUBSTANCE USE DIS-
10 ORDERS.—Section 502(c)(10) of the Employee Retirement

1 Income Security Act of 1974 (29 U.S.C. 1132(c)(10)(A))
2 is amended—

3 (1) in the heading, by striking “USE OF GE-
4 NETIC INFORMATION” and inserting “USE OF GE-
5 NETIC INFORMATION AND PARITY IN MENTAL
6 HEALTH AND SUBSTANCE USE DISORDER BENE-
7 FITS”; and

8 (2) in subparagraph (A)—

9 (A) by striking “any plan sponsor of a
10 group health plan” and inserting “any plan
11 sponsor or plan administrator of a group health
12 plan”; and

13 (B) by striking “for any failure” and all
14 that follows through “in connection with the
15 plan.” and inserting “for any failure by such
16 sponsor, administrator, or issuer, in connection
17 with the plan—

18 “(i) to meet the requirements of sub-
19 section (a)(1)(F), (b)(3), (c), or (d) of sec-
20 tion 702 or section 701 or 702(b)(1) with
21 respect to genetic information; or

22 “(ii) to meet the requirements of sub-
23 section (a) of section 712 with respect to
24 parity in mental health and substance use
25 disorder benefits.”.

1 (b) EXCEPTION TO THE GENERAL PROHIBITION ON
2 ENFORCEMENT.—Section 502 of such Act (29 U.S.C.
3 1132) is amended—

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

6 (2) in subsection (b)(3)—

7 (A) by striking “subsections (c)(9) and
8 (a)(6)” and inserting “subsections (c)(9),
9 (c)(10), and (a)(6)”;

10 (B) by striking “under subsection (c)(9)”
11 and inserting “under subsections (c)(9) and
12 (c)(10)), and except with respect to enforce-
13 ment by the Secretary of section 712”; and

14 (C) by striking “706(a)(1)” and inserting
15 “733(a)(1)”.

16 (c) EFFECTIVE DATE.—The amendments made by
17 subsection (a) shall apply with respect to group health
18 plans, or any health insurance issuer offering health insur-
19 ance coverage in connection with such plan, for plan years
20 beginning after the date that is 1 year after the date of
21 enactment of this Act.

○