



(Original Signature of Member)

117TH CONGRESS
2D SESSION

H. R. _____

To amend title XXVII of the Public Health Service Act to increase health insurance access for individuals placing their newborns up for adoption.

IN THE HOUSE OF REPRESENTATIVES

Ms. VAN DYKE introduced the following bill which was referred to the Committee on _____

A BILL

To amend title XXVII of the Public Health Service Act to increase health insurance access for individuals placing their newborns up for adoption.

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 "Caring for Mothers
5 Act of 2022".

1 **SEC. 2. INCREASING HEALTH INSURANCE ACCESS FOR IN-**
2 **INDIVIDUALS PLACING THEIR NEWBORNS FOR**
3 **ADOPTION.**

4 (a) IN GENERAL.—Subpart II of part A of title
5 XXVII of the Public Health Service Act (42 U.S.C.
6 300gg–11 et seq.) is amended by adding at the end the
7 following new section:

8 **“SEC. 2730. AVAILABILITY OF COVERAGE FOR INDIVIDUALS**
9 **PLACING THEIR NEWBORNS FOR ADOPTION.**

10 “(a) IN GENERAL.—In the case of an individual en-
11 rolled in a group health plan or group or individual health
12 insurance coverage who intends to adopt (or has already
13 adopted) a child of a qualifying individual and who sub-
14 mits to such plan or coverage (as applicable) a request
15 described in subsection (b) with respect to such qualifying
16 individual, such plan or coverage shall enroll such quali-
17 fying individual under such plan or coverage and provide
18 benefits under such plan or coverage in accordance with
19 subsection (c).

20 “(b) REQUEST.—For purposes of subsection (a), a
21 request described in this subsection is a request submitted
22 to a group health plan or group or individual health insur-
23 ance coverage by an individual who is enrolled in such plan
24 or coverage who intends to adopt (or has already adopted)
25 a biological child of a qualifying individual that—

1 “(1) requests that such qualifying individual re-
2 ceive benefits under such plan or coverage in accord-
3 ance with subsection (c);

4 “(2) contains an attestation that such indi-
5 vidual intends to adopt (or already has adopted)
6 such child;

7 “(3) in the case such child has not been so
8 adopted at the time of the submission of such re-
9 quest, contains an attestation from such qualifying
10 individual that such qualifying individual intends to
11 have such individual adopt such child; and

12 “(4) is signed by such individual and such
13 qualifying individual.

14 “(c) COVERAGE.—

15 “(1) SCOPE.—Notwithstanding any other provi-
16 sions of law, benefits provided under a group health
17 plan or group or individual health insurance cov-
18 erage to a qualifying individual enrolled pursuant to
19 a request described in subsection (b) shall consist
20 only of—

21 “(A) pregnancy-related and postpartum
22 care; and

23 “(B) mental health and substance use dis-
24 order services.

1 “(2) COVERAGE PERIOD.—Coverage provided
2 under a group health plan or group or individual
3 health insurance coverage to a qualifying individual
4 pursuant to a request described in subsection (b)
5 shall begin on the first day of the first month begin-
6 ning after the date such plan or coverage receives
7 such request and shall end on the earliest of the fol-
8 lowing:

9 “(A) The date the individual who sub-
10 mitted such request notifies such plan or cov-
11 erage of such individual’s intent to terminate
12 such coverage.

13 “(B) The date on which coverage of such
14 individual under such plan or group or indi-
15 vidual health insurance coverage is terminated.

16 “(C) The date such qualifying individual
17 notifies such plan or coverage of such qualifying
18 individual’s intent to terminate such coverage.

19 “(D) The date that is 1 year after the date
20 of the birth of the child that is the subject of
21 the adoption described in subsection (a).

22 “(d) CLARIFICATION ON SCOPE OF REQUIREMENT.—
23 The requirement on a group health plan or group or indi-
24 vidual health insurance coverage under subsection (a) to
25 provide benefits to a qualifying individual pursuant to a

1 request described in subsection (b) shall apply only with
2 respect to benefits described in subsection (c)(1) furnished
3 with respect to the pregnancy that is the subject of the
4 adoption described in subsection (b).

5 “(e) QUALIFYING INDIVIDUAL DEFINED.—In this
6 section, the term ‘qualifying individual’ means an indi-
7 vidual who—

8 “(1) is pregnant or who has given birth in the
9 last 6 months; and

10 “(2) is a citizen or national of the United
11 States or an alien lawfully present in the United
12 States.

13 “(f) RULE OF CONSTRUCTION.—Nothing in this sec-
14 tion may be construed to—

15 “(1) require a qualifying individual who enrolls
16 in a group health plan or group or individual health
17 insurance coverage pursuant to this section, or an
18 individual who requests enrollment of such quali-
19 fying individual in such plan or coverage, to effec-
20 tuate any adoption; or

21 “(2) allow for the imposition of any penalty on
22 such a qualifying individual or individual requesting
23 such enrollment if such an adoption is not effec-
24 tuated.”.

1 (b) EFFECTIVE DATE.—The amendment made by
2 subsection (a) shall apply with respect to plan years begin-
3 ning on or after January 1, 2023.