

117TH CONGRESS
1ST SESSION

H. R. 526

To provide for special enrollment periods during public health emergencies.

IN THE HOUSE OF REPRESENTATIVES

JANUARY 28, 2021

Mr. DOGGETT (for himself, Mr. FITZPATRICK, Ms. DEGETTE, Mr. BRENDAN F. BOYLE of Pennsylvania, Mr. MICHAEL F. DOYLE of Pennsylvania, Mr. BEYER, Mr. BLUMENAUER, Mr. BUTTERFIELD, Mr. CÁRDENAS, Mr. COHEN, Mr. CONNOLLY, Mr. COOPER, Mr. CROW, Ms. DELAURO, Mr. DEUTCH, Mr. EVANS, Mr. HASTINGS, Mrs. HAYES, Ms. HOULAHAN, Mr. KHANNA, Mr. LIEU, Ms. MOORE of Wisconsin, Mr. NADLER, Mrs. NAPOLITANO, Mr. NEGUSE, Ms. OMAR, Mr. POCAN, Ms. PORTER, Mr. RYAN, Ms. SCHAKOWSKY, Mr. SCHNEIDER, Mr. TRONE, Ms. VELÁZQUEZ, Ms. WASSERMAN SCHULTZ, Mr. WELCH, Ms. WILD, Ms. SPANBERGER, Ms. SÁNCHEZ, Mr. DANNY K. DAVIS of Illinois, and Ms. ROSS) introduced the following bill; which was referred to the Committee on Energy and Commerce, and in addition to the Committees on Ways and Means, and Education and Labor, 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 provide for special enrollment periods during public health emergencies.

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 “Ensuring Coverage in
3 Public Health Emergencies Act of 2021”.

4 **SEC. 2. SPECIAL ENROLLMENT PERIODS DURING PUBLIC**
5 **HEALTH EMERGENCIES.**

6 (a) PUBLIC HEALTH SERVICE ACT.—Title XXVII of
7 the Public Health Service Act (42 U.S.C. 300gg et seq.)
8 is amended—

9 (1) in section 2702(b)(2) (42 U.S.C. 300gg–
10 1(b)(2)), by inserting “, which shall include a special
11 enrollment period of 30 days during a public health
12 emergency declared under section 319, which period
13 may be extended for such time as the Secretary may
14 require” before the period at the end; and

15 (2) in section 2704(f) (42 U.S.C. 300gg–3(f)),
16 by adding at the end the following:

17 “(4) PUBLIC HEALTH EMERGENCIES.—If the
18 Secretary declares a public health emergency under
19 section 319, a group health plan, and a group health
20 insurance issuer offering group health insurance cov-
21 erage in connection with a group health plan, shall
22 permit an employee who is eligible, but not enrolled,
23 for coverage under the terms of the plan or coverage
24 (or a dependent of such an employee if the depend-
25 ent is eligible, but not enrolled, for coverage under
26 such terms) to enroll for coverage under the terms

1 of the plan or coverage during the special enrollment
2 period required under section 2702(b)(2) of the Pub-
3 lic Health Service Act (42 U.S.C. 300gg-1(b)(2)).”.

4 (b) ERISA.—Section 701(f) of the Employee Retire-
5 ment Income Security Act of 1974 (29 U.S.C. 1181(f))
6 is amended by adding at the end the following:

7 “(4) PUBLIC HEALTH EMERGENCIES.—If the
8 Secretary of Health and Human Services declares a
9 public health emergency under section 319 of the
10 Public Health Service Act (42 U.S.C. 247d), a
11 group health plan, or a health insurance issuer offer-
12 ing group health insurance coverage in connection
13 with such a plan, shall permit an employee who is
14 eligible, but not enrolled, for coverage under the
15 terms of the plan or coverage (or a dependent of
16 such an employee if the dependent is eligible, but
17 not enrolled, for coverage under such terms) to en-
18 roll for coverage under the terms of the plan or cov-
19 erage during the special enrollment period required
20 under section 2702(b)(2) of the Public Health Serv-
21 ice Act (42 U.S.C. 300gg-1(b)(2)).”.

22 (c) IRC.—Section 9801(f) of the Internal Revenue
23 Code of 1986 (26 U.S.C. 9801(f)) is amended by adding
24 at the end the following new paragraph:

1 “(4) PUBLIC HEALTH EMERGENCIES.—If the
2 Secretary of Health and Human Services declares a
3 public health emergency under section 319 of the
4 Public Health Service Act (42 U.S.C. 247d), a
5 group health plan shall permit an employee who is
6 eligible, but not enrolled, for coverage under the
7 terms of the plan (or a dependent of such an em-
8 ployee if the dependent is eligible, but not enrolled,
9 for coverage under such terms) to enroll for coverage
10 under the terms of the plan during the special en-
11 rollment period required under section 2702(b)(2) of
12 the Public Health Service Act (42 U.S.C. 300gg-
13 1(b)(2)).”.

14 (d) RULE OF CONSTRUCTION.—Nothing in the
15 amendments made by this section shall be construed to
16 prevent a group health plan or health insurance issuer
17 from offering a special enrollment period in addition to
18 any such period required under Federal law.

19 **SEC. 3. EFFECTIVE DATE; APPLICATION.**

20 The amendments made by this Act shall take effect
21 on the date of enactment of this Act and shall apply with
22 respect to plan years in effect on the date of enactment
23 of this Act, and plan years beginning on or after such
24 date.

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