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(Original Signature of Member)

119TH CONGRESS  
2D SESSION

# H. R.

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

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## IN THE HOUSE OF REPRESENTATIVES

Mr. KEAN introduced the following bill; which was referred to the Committee on \_\_\_\_\_

# 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 “Mental Health Parity  
5 Enforcement and Funding Act”.

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-

1 ORDERS.—Section 502(c)(10) of the Employee Retirement  
2 Income Security Act of 1974 (29 U.S.C. 1132(c)(10)(A))  
3 is amended—

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

9 (2) in subparagraph (A)—

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

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

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

23 “(ii) to meet the requirements of sub-  
24 section (a) of section 712 with respect to

1 parity in mental health and substance use  
2 disorder benefits.”.

3 (b) EXCEPTION TO THE GENERAL PROHIBITION ON  
4 ENFORCEMENT.—Section 502 of such Act (29 U.S.C.  
5 1132) is amended—

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

8 (2) in subsection (b)(3)—

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

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

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.

## 22 **SEC. 3. APPROPRIATIONS.**

23 There are appropriated to the Employee Benefits Se-  
24 curity Administration to carry out the amendments made  
25 to the Employee Retirement Income Act of 1974 (29

1 U.S.C. 1001 et seq.) by the Paul Wellstone and Pete  
2 Domenici Mental Health Parity and Addiction Equity Act  
3 of 2008 (Public Law 110-343) and this Act, \$30,000,000  
4 for each of fiscal years 2027 through 2031.