

**AMENDMENT TO**  
**RULES COMMITTEE PRINT 118-13**  
**OFFERED BY MS. DAVIDS OF KANSAS**

At the end of the bill (before the short title) insert the following:

1 **SEC. \_\_\_\_ . ALLOWING PARENTAL CHOICE IN THE SELEC-**  
2 **TION OF PRIMARY HEALTH INSURANCE COV-**  
3 **ERAGE OR PRIMARY COVERAGE UNDER A**  
4 **GROUP HEALTH PLAN FOR CERTAIN DE-**  
5 **PENDENT CHILDREN.**

6 (a) PUBLIC HEALTH SERVICE ACT.—Part D of title  
7 XXVII of the Public Health Service Act (42 U.S.C.  
8 300gg-111 et seq.) is amended by adding at the end the  
9 following new section:

10 **“SEC. 2799A-11. PARENTAL CHOICE OF PRIMARY HEALTH**  
11 **INSURANCE COVERAGE OR PRIMARY COV-**  
12 **ERAGE UNDER A GROUP HEALTH PLAN FOR**  
13 **CERTAIN DEPENDENT CHILDREN.**

14 “(a) IN GENERAL.—In the case of a dependent child  
15 of two individuals where both such individuals, at the time  
16 of birth of such child, are covered under separate policies  
17 of health insurance coverage offered by a health insurance  
18 issuer or separate group health plans, if both such policies

1 of health insurance coverage or plans (as applicable) would  
2 provide coverage of such child, such health insurance cov-  
3 erage or plan (as applicable) shall provide primary cov-  
4 erage of such child if both such individuals submit to the  
5 issuer of such coverage or to such plan (as applicable),  
6 within 60 days of the birth of such child and in a manner  
7 specified by the Secretary, a notification electing primary  
8 coverage of such child under such health insurance cov-  
9 erage or plan. Such primary coverage of such child under  
10 such health insurance coverage or group health plan shall  
11 continue until the earlier of the following:

12           “(1) A submission of a notification, in a man-  
13           ner specified by the Secretary, by both such individ-  
14           uals to the issuer of such health insurance coverage  
15           or plan electing to discontinue such primary cov-  
16           erage for such child.

17           “(2) The loss of coverage under such health in-  
18           surance coverage or plan of such individual who is  
19           enrolled under such health insurance coverage or  
20           plan.

21           “(b) ELECTION OF PRIMARY COVERAGE WITH RE-  
22           SPECT TO SINGLE COVERAGE OR PLAN.—The provisions  
23           of subsection (a) shall not apply if both individuals de-  
24           scribed in such paragraph submit notifications for a child

1 with respect to multiple policies of health insurance cov-  
2 erage or group health plans.”.

3 (b) EMPLOYEE RETIREMENT INCOME SECURITY ACT  
4 OF 1974.—

5 (1) IN GENERAL.—Subpart B of part 7 of sub-  
6 title B of title I of the Employee Retirement Income  
7 Security Act of 1974 is amended by adding at the  
8 end the following new section:

9 **“SEC. 726. PARENTAL CHOICE OF PRIMARY HEALTH INSUR-**  
10 **ANCE COVERAGE OR PRIMARY COVERAGE**  
11 **UNDER A GROUP HEALTH PLAN FOR CER-**  
12 **TAIN DEPENDENT CHILDREN.**

13 “(a) IN GENERAL.—In the case of a dependent child  
14 of two individuals where both such individuals, at the time  
15 of birth of such child, are covered under separate policies  
16 of health insurance coverage offered by a health insurance  
17 issuer or separate group health plans, if both such policies  
18 of health insurance coverage or plans (as applicable) would  
19 provide coverage of such child, such group health insur-  
20 ance coverage or plan (as applicable) shall provide primary  
21 coverage of such child if both such individuals submit to  
22 the issuer of such coverage or to such plan (as applicable),  
23 within 60 days of the birth of such child and in a manner  
24 specified by the Secretary, a notification electing primary  
25 coverage of such child under such group health insurance

1 coverage or plan. Such primary coverage of such child  
2 under such group health insurance coverage or group  
3 health plan shall continue until the earlier of the following:

4           “(1) A submission of a notification, in a man-  
5 ner specified by the Secretary, by both such individ-  
6 uals to the issuer of such group health insurance  
7 coverage or plan electing to discontinue such pri-  
8 mary coverage for such child.

9           “(2) The loss of coverage under such group  
10 health insurance coverage or plan of such individual  
11 who is enrolled under such health insurance coverage  
12 or plan.

13           “(b) ELECTION OF PRIMARY COVERAGE WITH RE-  
14 SPECT TO SINGLE COVERAGE OR PLAN.—The provisions  
15 of subsection (a) shall not apply if both individuals de-  
16 scribed in such paragraph submit notifications for a child  
17 with respect to multiple policies of health insurance cov-  
18 erage or group health plans.”.

19           (2) TECHNICAL AMENDMENT.—The table of  
20 contents in section 1 of such Act is amended by in-  
21 serting after the item relating to section 725 the fol-  
22 lowing new item:

“Sec. 726. Parental choice of primary health insurance coverage or primary  
coverage under a group health plan for certain dependent chil-  
dren.”.

23           (c) INTERNAL REVENUE CODE OF 1986.—

1           (1) IN GENERAL.—Subchapter B of chapter  
2           100 of the Internal Revenue Code of 1986 is amend-  
3           ed by adding at the end the following new section:

4           **“SEC. 9826. PARENTAL CHOICE OF PRIMARY HEALTH IN-**  
5                           **SURANCE COVERAGE OR PRIMARY COV-**  
6                           **ERAGE UNDER A GROUP HEALTH PLAN FOR**  
7                           **CERTAIN DEPENDENT CHILDREN.**

8           “(a) IN GENERAL.—In the case of a dependent child  
9           of two individuals where both such individuals, at the time  
10          of birth of such child, are covered under separate policies  
11          of health insurance coverage offered by a health insurance  
12          issuer or separate group health plans, if both such policies  
13          of health insurance coverage or plans (as applicable) would  
14          provide coverage of such child, such group health plan  
15          shall provide primary coverage of such child if both such  
16          individuals submit to such plan, within 60 days of the  
17          birth of such child and in a manner specified by the Sec-  
18          retary, a notification electing primary coverage of such  
19          child under such plan. Such primary coverage of such  
20          child under such group health plan shall continue until  
21          the earlier of the following:

22                   “(1) A submission of a notification, in a man-  
23                   ner specified by the Secretary, by both such individ-  
24                   uals to such plan electing to discontinue such pri-  
25                   mary coverage for such child.

1           “(2) The loss of coverage under such plan of  
2           such individual who is enrolled under such plan.

3           “(b) ELECTION OF PRIMARY COVERAGE WITH RE-  
4           SPECT TO SINGLE COVERAGE OR PLAN.—The provisions  
5           of subsection (a) shall not apply if both individuals de-  
6           scribed in such paragraph submit notifications for a child  
7           with respect to multiple policies of health insurance cov-  
8           erage or group health plans.”.

9           (2) TECHNICAL AMENDMENT.—The table of  
10           sections for such subchapter is amended by adding  
11           at the end the following new item:

“Sec. 9826. Parental choice of primary health insurance coverage or primary  
                                coverage under a group health plan for certain dependent chil-  
                                dren.”.

12           (d) EFFECTIVE DATE.—The amendments made by  
13           this section shall apply with respect to children born on  
14           or after January 1, 2024.

