

**AMENDMENT TO THE AMENDMENT IN THE
NATURE OF A SUBSTITUTE TO H.R. 3922
OFFERED BY MR. KENNEDY OF MASSACHUSETTS**

Page 54, after line 24, insert the following new section (and update the table of contents accordingly):

1 **SEC. 307. ENSURING ACCESS TO MENTAL HEALTH SERV-**
2 **ICES FOR CHILDREN UNDER THE CHIL-**
3 **DREN’S HEALTH INSURANCE PROGRAM.**

4 (a) IN GENERAL.—Section 2103(c)(1) of the Social
5 Security Act (42 U.S.C. 1397cc(e)(1)) is amended by add-
6 ing at the end the following new subparagraph:

7 “(E) Mental health services and substance
8 use disorder services (including behavioral
9 health treatment).”.

10 (b) MENTAL HEALTH SERVICES.—

11 (1) IN GENERAL.—Section 2103(c) of the So-
12 cial Security Act (42 U.S.C. 1397cc(e)) is amend-
13 ed—

14 (A) by redesignating paragraphs (5), (6),
15 (7), and (8) as paragraphs (6), (7), (8), and
16 (9), respectively; and

17 (B) by inserting after paragraph (4) the
18 following new paragraph:

1 “(5) MENTAL HEALTH SERVICES.—The child
2 health assistance provided to a targeted low-income
3 child or targeted low-income pregnant woman shall,
4 regardless of the type of benefit package—

5 “(A) include coverage of mental health
6 services necessary to prevent, diagnose, and
7 treat a broad range of mental health symptoms
8 and disorders, including substance use dis-
9 orders; and

10 “(B) be delivered in a culturally and lin-
11 guistically appropriate manner.”.

12 (2) CONFORMING AMENDMENTS.—

13 (A) Section 2103(a) of the Social Security
14 Act (42 U.S.C. 1397cc(a)) is amended, in the
15 matter before paragraph (1), by striking “para-
16 graphs (5), (6), and (7)” and inserting “para-
17 graphs (5), (6), (7), and (8)”.

18 (B) Section 2110(b)(5)(A)(i) of the Social
19 Security Act (42 U.S.C. 1397ee(b)(5)(A)(i)) is
20 amended by striking “subsection (c)(5)” and in-
21 serting “subsection (c)(6)”.

22 (c) ASSURING ACCESS TO CARE.—Section
23 2102(a)(7)(B) of the Social Security Act (42 U.S.C.
24 1397bb(c)(2)) is amended by striking “section

1 2103(c)(5)” and inserting “paragraphs (5) and (6) of sec-
2 tion 2103(c)”.

3 (d) MENTAL HEALTH SERVICES PARITY.—Subpara-
4 graph (A) of paragraph (7) of section 2103(c) of the So-
5 cial Security Act (42 U.S.C. 1397cc(e)) (as redesignated
6 by subsection (b)(1)) is amended to read as follows:

7 “(A) IN GENERAL.—A State child health
8 plan shall ensure that the financial require-
9 ments and treatment limitations applicable to
10 mental health or substance use disorder benefits
11 provided under such plan comply with the re-
12 quirements of section 2705(a) of the Public
13 Health Service Act in the same manner as such
14 requirements or limitations apply to a group
15 health plan under such section.”.

16 (e) EFFECTIVE DATE.—

17 (1) IN GENERAL.—Subject to paragraph (2),
18 the amendments made by this section shall take ef-
19 fect one year after the date of the enactment of this
20 Act.

21 (2) EXCEPTION FOR STATE LEGISLATION.—In
22 the case of a State child health plan under title XXI
23 of the Social Security Act (or a waiver of such plan),
24 which the Secretary of Health and Human Services
25 determines requires State legislation in order for the

1 respective plan (or waiver) to meet any requirement
2 imposed by the amendments made by this section,
3 the respective plan (or waiver) shall not be regarded
4 as failing to comply with the requirements of such
5 title solely on the basis of its failure to meet such
6 an additional requirement before the first day of the
7 first calendar quarter beginning after the close of
8 the first regular session of the State legislature that
9 begins after the date of enactment of this section.
10 For purposes of the previous sentence, in the case
11 of a State that has a 2-year legislative session, each
12 year of the session shall be considered to be a sepa-
13 rate regular session of the State legislature.

