

AMENDMENT NO. 2

Calendar No. \_\_\_\_\_

Purpose: To provide the Secretary of Labor with increased authority to levy monetary penalties on health insurers and funders, and authority to independently launch investigations of health insurers, for violations of the mental health parity requirements.

IN THE SENATE OF THE UNITED STATES—115th Cong., 2d Sess.

**S. 2680**

To address the opioid crisis.

Referred to the Committee on \_\_\_\_\_ and  
ordered to be printed

Ordered to lie on the table and to be printed

AMENDMENT intended to be proposed by Mr. Murphy

Viz:

1 At the appropriate place, insert the following:

2 **SEC. \_\_\_\_ . AUTHORITY TO ENFORCE MENTAL HEALTH PAR-**  
3 **ITY PROVISIONS.**

4 (a) IN GENERAL.—Section 502 of the Employee Re-  
5 tirement Income Security Act of 1974 (29 U.S.C. 1132)  
6 is amended—

7 (1) in subsection (a), by striking paragraph (6)  
8 and inserting the following:

9 “(6) by the Secretary to collect any civil penalty  
10 assessed by the Secretary under subsections (c), (i),  
11 or (l);”;

1 (2) in subsection (b)(3)—

2 (A) by striking “subsections (c)(9) and”  
3 and inserting “subsection”;

4 (B) by striking “under subsection (c)(9)”  
5 and inserting “under subsections (c)(10) and  
6 (c)(13)”;

7 (C) by adding at the end the following:  
8 “This paragraph shall not apply with respect to  
9 enforcement by the Secretary of section 712.”;  
10 and

11 (3) in subsection (c), by adding at the end the  
12 following:

13 “(13) ENFORCEMENT OF MENTAL HEALTH  
14 PARITY PROVISIONS.—The provisions of paragraph  
15 (10) shall apply with respect to enforcement by the  
16 Secretary of the mental health and substance abuse  
17 disorder parity provisions of section 712 in a man-  
18 ner similar to the manner in which such provisions  
19 apply to genetic nondiscrimination.”.

20 (b) EFFECTIVE DATE.—The amendments made by  
21 subsection (a) shall take effect on the later of the date  
22 on which the Secretary of Labor issues the compliance  
23 program guidance document in accordance with section  
24 2726(a)(6) of the Public Health Service Act or the addi-

1 tional guidance in accordance with paragraph (7) of such  
2 section.