

119TH CONGRESS  
2D SESSION

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To amend the Public Health Service Act, the Employee Retirement Income Security Act of 1974, and the Internal Revenue Code of 1986 to require that group health plans and health insurance issuers offering group or individual health insurance that provide coverage for mental health services and substance use disorder services provide such services without the imposition of cost-sharing from the diagnosis of pregnancy through the 1-year period following such pregnancy, and for other purposes.

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IN THE SENATE OF THE UNITED STATES

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Mrs. SHAHEEN introduced the following bill; which was read twice and referred to the Committee on \_\_\_\_\_

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**A BILL**

To amend the Public Health Service Act, the Employee Retirement Income Security Act of 1974, and the Internal Revenue Code of 1986 to require that group health plans and health insurance issuers offering group or individual health insurance that provide coverage for mental health services and substance use disorder services provide such services without the imposition of cost-sharing from the diagnosis of pregnancy through the 1-year period following such pregnancy, and for other purposes.

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 “Mental Health and  
3 Making Access More Affordable Act of 2026” or the  
4 “Mental Health and MAMA Act of 2026”.

5 **SEC. 2. COST-SHARING WITH RESPECT TO MENTAL HEALTH**  
6 **SERVICES AND SUBSTANCE USE DISORDER**  
7 **SERVICES FOR PREGNANT AND POSTPARTUM**  
8 **INDIVIDUALS.**

9 (a) PHSA.—

10 (1) IN GENERAL.—Part D of title XXVII of the  
11 Public Health Service Act (42 U.S.C. 300gg–111 et  
12 seq.) is amended by adding at the end the following  
13 new section:

14 **“SEC. 2799A-11. COST-SHARING REQUIREMENTS WITH RE-**  
15 **SPECT TO MENTAL HEALTH SERVICES AND**  
16 **SUBSTANCE USE DISORDER SERVICES FOR**  
17 **PREGNANT AND POSTPARTUM INDIVIDUALS.**

18 “(a) IN GENERAL.—In the case of a group health  
19 plan or a health insurance issuer offering group or indi-  
20 vidual health insurance coverage that provides a benefit  
21 for mental health services or substance use disorder serv-  
22 ices (including such services which are telehealth services  
23 and are provided under such plan or coverage) with re-  
24 spect to plan years beginning on or after the date that  
25 is 2 years after the date of enactment of this section, the  
26 plan or coverage shall not impose any cost-sharing require-

1 ment for such services that are furnished by an in-network  
2 provider to a participant, beneficiary, or enrollee under the  
3 plan or coverage from the diagnosis of pregnancy (as de-  
4 fined by the Secretary) through the 1-year period begin-  
5 ning on the day after the last day of such pregnancy of  
6 such participant, beneficiary, or enrollee (or, in the case  
7 of an individual enrolled in such plan or coverage for a  
8 portion of such period, during such portion).

9       “(b) DEFINITIONS.—In this section:

10           “(1) The terms ‘mental health services’ and  
11 ‘substance use disorder services’ have the meaning  
12 given such terms for purposes of section 2726.

13           “(2) The term ‘telehealth service’ means a serv-  
14 ice that is furnished through telehealth technologies  
15 (as defined in section 330I(a)).”.

16           (2) CONTINUITY OF CARE.—Section 2799A–3  
17 of the Public Health Service Act (42 U.S.C. 300gg–  
18 113) is amended—

19                   (A) in subsection (a)(2)(C), by inserting “,  
20 in the case of a continuing care patient de-  
21 scribed in subsection (b)(1)(D)(ii), the date on  
22 which such individual is no longer such a con-  
23 tinuing care patient with respect to such pro-  
24 vider or facility, or in the case of a continuing  
25 care patient described in subsection (b)(1) other

1           than in subparagraph (D)(ii) of such sub-  
2           section,” after “is provided and ending on”;  
3           and

4           (B) by amending subsection (b)(1)(D) to  
5           read as follows:

6           “(D)(i) is pregnant and undergoing a  
7           course of treatment for the pregnancy from the  
8           provider or facility; or

9           “(ii)(I) requires mental health services or  
10           substance use disorder services from a provider  
11           or facility following a pregnancy;

12           “(II) received a course of mental health or  
13           substance use disorder treatment from such  
14           provider or facility while pregnant; and

15           “(III) the last day of such pregnancy oc-  
16           curred during the previous 1-year period; or”.

17           (b) ERISA.—

18           (1) IN GENERAL.—Subpart B of part 7 of sub-  
19           title B of title I of the Employee Retirement Income  
20           Security Act of 1974 (29 U.S.C. 1185 et seq.) is  
21           amended by adding at the end the following new sec-  
22           tion:

1     **“SEC. 726. COST-SHARING REQUIREMENTS WITH RESPECT**  
2                   **TO MENTAL HEALTH SERVICES AND SUB-**  
3                   **STANCE USE DISORDER SERVICES FOR PREG-**  
4                   **NANT AND POSTPARTUM INDIVIDUALS.**

5       “(a) IN GENERAL.—In the case of a group health  
6 plan or a health insurance issuer offering group health in-  
7 surance coverage that provides a benefit for mental health  
8 services or substance use disorder services (including such  
9 services which are telehealth services and are provided  
10 under such plan or coverage) with respect to plan years  
11 beginning on or after the date that is 2 years after the  
12 date of enactment of this section, the plan or coverage  
13 shall not impose any cost-sharing requirement for such  
14 services that are furnished by an in-network provider to  
15 a participant or beneficiary under the plan or coverage  
16 from the diagnosis of pregnancy (as defined by the Sec-  
17 retary) through the 1-year period beginning on the day  
18 after the last day of such pregnancy of such participant  
19 or beneficiary (or, in the case of an individual enrolled in  
20 such plan or coverage for a portion of such period, during  
21 such portion).

22       “(b) DEFINITIONS.—In this section:

23           “(1) The terms ‘mental health services’ and  
24           ‘substance use disorder services’ have the meaning  
25           given such terms for purposes of section 712.

1           “(2) The term ‘telehealth service’ means a serv-  
2       ice that is furnished through telehealth technologies  
3       (as defined in section 330I(a) of the Public Health  
4       Service Act).”.

5           (2) CONTINUITY OF CARE.—Section 718 of the  
6       Employee Retirement Income Security Act of 1974  
7       (29 U.S.C. 1185g) is amended—

8           (A) in subsection (a)(2)(C), by inserting “,  
9       in the case of a continuing care patient de-  
10       scribed in subsection (b)(1)(D)(ii), the date on  
11       which such individual is no longer such a con-  
12       tinuing care patient with respect to such pro-  
13       vider or facility, or in the case of a continuing  
14       care patient described in subsection (b)(1) other  
15       than in subparagraph (D)(ii) of such sub-  
16       section,” after “is provided and ending on”;  
17       and

18           (B) by amending subsection (b)(1)(D) to  
19       read as follows:

20           “(D)(i) is pregnant and undergoing a  
21       course of treatment for the pregnancy from the  
22       provider or facility; or

23           “(ii)(I) requires mental health services or  
24       substance use disorder services from a provider  
25       or facility following a pregnancy;

1                   “(II) received a course of mental health or  
2                   substance use disorder treatment from such  
3                   provider or facility while pregnant; and

4                   “(III) the last day of such pregnancy oc-  
5                   curred during the previous 1-year period; or”.

6                   (3) CLERICAL AMENDMENT.—The table of con-  
7                   tents in section 1 of the Employee Retirement In-  
8                   come Security Act of 1974 (29 U.S.C. 1001 et seq.)  
9                   is amended by inserting after the item relating to  
10                  section 725 the following new item:

“Sec. 726. Cost-sharing requirements with respect to mental health services  
and substance use disorder services for pregnant and  
postpartum individuals.”.

11                  (c) IRC.—

12                  (1) IN GENERAL.—Subchapter B of chapter  
13                  100 of the Internal Revenue Code of 1986 is amend-  
14                  ed by adding at the end the following new section:

15                  **“SEC. 9826. COST-SHARING REQUIREMENTS WITH RESPECT**  
16                  **TO MENTAL HEALTH SERVICES AND SUB-**  
17                  **STANCE USE DISORDER SERVICES FOR PREG-**  
18                  **NANT AND POSTPARTUM INDIVIDUALS.**

19                  “(a) IN GENERAL.—In the case of a group health  
20                  plan that provides a benefit for mental health services or  
21                  substance use disorder services (including such services  
22                  which are telehealth services and are provided under such  
23                  plan) with respect to plan years beginning on or after the  
24                  date that is 2 years after the date of enactment of this

1 section, the plan shall not impose any cost-sharing require-  
2 ment for such services that are furnished by an in-network  
3 provider to a participant or beneficiary under the plan  
4 from the diagnosis of pregnancy (as defined by the Sec-  
5 retary) through the 1-year period beginning on the day  
6 after the last day of such pregnancy of such participant  
7 or beneficiary (or, in the case of an individual enrolled in  
8 such plan for a portion of such period, during such por-  
9 tion).

10       “(b) DEFINITIONS.—In this section:

11           “(1) The terms ‘mental health services’ and  
12       ‘substance use disorder services’ have the meaning  
13       given such terms for purposes of section 9812.

14           “(2) The term ‘telehealth service’ means a serv-  
15       ice that is furnished through telehealth technologies  
16       (as defined in section 330I(a) of the Public Health  
17       Service Act).”.

18           (2) CONTINUITY OF CARE.—Section 9818 of  
19       the Internal Revenue Code of 1986 is amended—

20               (A) in subsection (a)(2)(C), by inserting “,  
21       in the case of a continuing care patient de-  
22       scribed in subsection (b)(1)(D)(ii), the date on  
23       which such individual is no longer such a con-  
24       tinuing care patient with respect to such pro-  
25       vider or facility, or in the case of a continuing

1           care patient described in subsection (b)(1) other  
2           than in subparagraph (D)(ii) of such sub-  
3           section,” after “is provided and ending on”;  
4           and

5           (B) by amending subsection (b)(1)(D) to  
6           read as follows:

7           “(D)(i) is pregnant and undergoing a  
8           course of treatment for the pregnancy from the  
9           provider or facility; or

10           “(ii)(I) requires mental health services or  
11           substance use disorder services from a provider  
12           or facility following a pregnancy;

13           “(II) received a course of mental health or  
14           substance use disorder treatment from such  
15           provider or facility while pregnant; and

16           “(III) the last day of such pregnancy oc-  
17           curred during the previous 1-year period; or”.

18           (3) CLERICAL AMENDMENT.—The table of sec-  
19           tions for subchapter B of chapter 100 of the Inter-  
20           nal Revenue Code of 1986 is amended by adding at  
21           the end the following new item:

“Sec. 9826. Cost-sharing requirements with respect to mental health services  
and substance use disorder services for pregnant and  
postpartum individuals.”.

22           (d) EFFECTIVE DATE.—The amendments made by  
23           subsections (a), (b), and (c) shall apply with respect to

1 plan years beginning on or after the date that is 2 years  
2 after the date of enactment of this Act.

3 (e) FEHBP.—

4 (1) IN GENERAL.—Section 8902(p) of title 5,  
5 United States Code, is amended—

6 (A) by striking “and 2799A–7” and inserting  
7 “2799A–7, and 2799A–11”;

8 (B) by striking “and 722” and inserting  
9 “722, and 726”; and

10 (C) by striking “and 9822” and inserting  
11 “9822, and 9826”.

12 (2) EFFECTIVE DATE.—The amendments made  
13 by paragraph (1) shall apply with respect to con-  
14 tracts entered into or renewed for contract years be-  
15 ginning on or after the date that is 2 years after the  
16 date of enactment of this Act.