



Tobacco-Related Provisions of the Affordable Care Act

Employer-Sponsored Insurance

	Section & Page Number	Implementation Date	More Details
Preventive Services Coverage	Sec. 1001 (new section 2713 of the Public Health Services Act); pgs. 13-14 of H.R. 3590	September 23, 2010	<ul style="list-style-type: none"> Requires health insurance plans to cover preventive services at no cost to the patient. Applies to all new plans created since March 2010 Required preventive services include all services given an 'A' or 'B' rating by the U.S. Preventive Services Task Force. Tobacco cessation services are included, but HHS has not defined which medications and/or counseling are included in the requirement. Therefore insurance plans currently have a lot of flexibility in meeting this requirement.

State Health Insurance Exchanges

	Section & Page Number	Implementation Date	More Details
Essential Health Benefit	Sec. 1302; pgs. 45-50 of H.R. 3590	January 1, 2014	<ul style="list-style-type: none"> Requires all individual and small group plans (inside and outside state health insurance exchanges) to cover an Essential Health Benefit, which is to be defined by the Secretary of Health and Human Services (HHS). Includes a list of ten categories of coverage required in the Essential Health Benefit—including prevention and wellness services and chronic disease management, which should include tobacco cessation treatments. HHS has instructed each state to choose a benchmark plan to serve as its Essential Health Benefit. The benchmark plan must include coverage of 'A' and 'B' rated preventive services, which includes tobacco cessation—however, this requirement is undefined.
Insurance Premiums	Sec. 1201 (new section 2701 of the Public Health Service Act); pgs. 37-38 of H.R. 3590	January 1, 2014	<ul style="list-style-type: none"> Lists four factors health insurance companies are allowed to vary premium costs based on. One of these factors is tobacco use. Health insurance companies will be able to charge a tobacco user up to 50 percent more in premiums than non-tobacco users. This could mean thousands of dollars in additional costs for tobacco users. In a proposed rule released November 26, 2012, HHS proposed that insurance companies varying premiums based on tobacco use must offer tobacco users the non-user rate if they participate in a wellness program and try to quit.



Tobacco-Related Provisions of the Affordable Care Act (cont.)

Medicaid

	Section & Page Number	Implementation Date	More Details
Essential Health Benefit	Sec. 2001; pgs. 153-161 of H.R. 3590	January 1, 2014	<ul style="list-style-type: none"> All Medicaid recipients newly eligible to enroll under the Affordable Care Act must have coverage for an Essential Health Benefit. This Essential Health Benefit is to be defined by the Secretary of Health and Human Services (HHS). In a letter to state Medicaid Directors released November 26, 2012, HHS indicated that states will choose their Medicaid benchmark plan, which will then become the Essential Health Benefit for new Medicaid enrollees.
Tobacco Cessation Medications Coverage	Sec. 2502; pg. 192 of H.R. 3590	January 1, 2014	<ul style="list-style-type: none"> Medicaid programs will no longer be able to exclude tobacco cessation medications from their prescription drug coverage. Unclear as to whether this provision requires coverage of all seven tobacco cessation medications, or just some.
Tobacco Cessation Coverage for Pregnant Women	Sec. 4107; pgs. 442-443 of H.R. 3590	October 1, 2010	<ul style="list-style-type: none"> Requires all state Medicaid programs cover a comprehensive tobacco cessation benefit for pregnant women at no cost to the patient The Centers for Medicare and Medicaid Services (CMS) provided guidance on implementing this provision in a June 2011 letter.
Incentive for Covering Preventive Services	Sec. 4106; pgs. 441-442 of H.R. 3590	January 1, 2013	<ul style="list-style-type: none"> States that cover all preventive services rated an 'A' or 'B' by the U.S. Preventive Services Task Force will receive a one percentage increase in its federal Medicaid matching funds. Tobacco cessation services are included in the list of 'A' rated services.
Pilot Projects on Preventing Chronic Disease	Sec. 4108; pgs. 443-446 of H.R. 3590	January 1, 2011	<ul style="list-style-type: none"> Establishes a grant program to explore ways to encourage Medicaid enrollees to participate in programs that prevent chronic disease. Such programs can include tobacco cessation programs. Grant recipients in California, Connecticut and Wisconsin are working on incentivizing the use of tobacco cessation treatments. Learn more here.



Tobacco-Related Provisions of the Affordable Care Act (cont.)

Medicare

	Section & Page Number	Implementation Date	More Details
Annual Wellness Exam	Sec. 4103; pgs. 435-439 of H.R. 3590	January 1, 2011	<ul style="list-style-type: none"> • Adds a free, annual wellness visit and personalized prevention plan to Medicare coverage. If applicable, this visit can include tobacco cessation counseling and prescription for a tobacco cessation medication.

Miscellaneous

	Section & Page Number	Implementation Date	More Details
Prevention and Public Health Fund	Sec. 4002; pg. 423 of H.R. 3590	Fiscal Year 2010	<ul style="list-style-type: none"> • Establishes a fund to provide for expanded and sustained national investment in prevention and public health programs. • Started at \$500 million in 2010, and gradually grows to \$2 billion in 2015. • This fund has already funded several tobacco-related initiatives, including the Tips from Former Smokers campaign and grants to quitlines, as well as items below. • In 2014, the Prevention and Public Health Fund was allocated by Congress for the first time since its creation.
Community Transformation Grants	Sec. 4201; pgs. 446-448 of H.R. 3590	2011	<ul style="list-style-type: none"> • Establishes a grants program, to be administered by the Centers for Disease Control and Prevention (CDC) to design and implement community-level programs that prevent chronic disease. • Reducing tobacco use is one of the main project areas of these grants. Find more information here. • Funded by the Prevention and Public Health Fund. • The CTG grants were phased out in 2014.
National Prevention, Health Promotion and Public Health Council	Sec. 4001; pgs. 420-423 of H.R. 3590	2010	<ul style="list-style-type: none"> • Establishes a National Prevention, Health Promotion and Public Health Council, consisting of leaders in several federal government agencies, to provide coordination among all Federal departments and agencies for prevention, wellness and health promotion practices in the U.S. • The Council published its National Prevention Strategy in June 2011, which includes tobacco-free living as one of seven priorities.