

114TH CONGRESS
2D SESSION

H. R. 5856

To amend the Patient Protection and Affordable Care Act to allow sole proprietors and the spouses and domestic partners of sole proprietors to purchase insurance on the small business exchange, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JULY 14, 2016

Mr. SEAN PATRICK MALONEY of New York introduced the following bill;
which was referred to the Committee on Energy and Commerce

A BILL

To amend the Patient Protection and Affordable Care Act to allow sole proprietors and the spouses and domestic partners of sole proprietors to purchase insurance on the small business exchange, 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,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Mom and Pop SHOP
5 Act of 2016”, the “Mom and Mom SHOP Act of 2016”,
6 or the “Pop and Pop SHOP Act of 2016”.

1 **SEC. 2. ALLOWING SOLE PROPRIETORS AND THEIR**
2 **SPOUSES AND DOMESTIC PARTNERS TO PUR-**
3 **CHASE INSURANCE ON THE PPACA SMALL**
4 **BUSINESS EXCHANGE.**

5 (a) TREATING SOLE PROPRIETORS AND THEIR
6 SPOUSES AND DOMESTIC PARTNERS AS QUALIFIED EM-
7 PLOYERS IN SMALL BUSINESS EXCHANGE.—Section
8 1312(f)(2)(A) of the Patient Protection and Affordable
9 Care Act (42 U.S.C. 18032(f)(2)(A)) is amended by add-
10 ing at the end the following new sentence: “For purposes
11 of section 1311, the reference to a ‘small employer’ in the
12 preceding sentence includes an individual (and the spouse
13 or domestic partner of such individual, if any) who owns,
14 or who is a partner in, a trade or business that has no
15 employees and that is not an S corporation (as defined
16 in section 1361(a)(1) of the Internal Revenue Code of
17 1986).”

18 (b) TREATING SOLE PROPRIETORS AND THEIR
19 SPOUSES AND DOMESTIC PARTNERS AS SMALL EMPLOY-
20 ERS IN SMALL BUSINESS EXCHANGE.—Section
21 1304(b)(2) of the Patient Protection and Affordable Care
22 Act (42 U.S.C. 18024(b)(2)) is amended by adding at the
23 end the following new sentence: “For purposes of section
24 1311, such term also includes an individual (and the
25 spouse or domestic partner of such individual, if any) who
26 owns, or who is a partner in, a trade or business that has

1 no employees and that is not an S corporation (as defined
2 in section 1361(a)(1) of the Internal Revenue Code of
3 1986).”

4 (c) TREATING HEALTH PLANS FOR SOLE PROPRI-
5 ETORS AND THEIR SPOUSES AND DOMESTIC PARTNERS
6 AS GROUP HEALTH PLANS IN SMALL BUSINESS EX-
7 CHANGE.—Section 1304(a)(3) of the Patient Protection
8 and Affordable Care Act (42 U.S.C. 18024(a)(3)) is
9 amended by adding at the end the following new sentence:
10 “In determining whether a health plan is a ‘group health
11 plan’ under the preceding sentence for purposes of section
12 1311, an individual (and the spouse or domestic partner
13 of such individual, if any) who owns, or who is a partner
14 in, a trade or business shall be considered both an em-
15 ployer and an employee of such trade or business.”

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