

Calendar No. 628

114TH CONGRESS
2D SESSION**S. 3326**

To give States the authority to provide temporary access to affordable private health insurance options outside of Obamacare exchanges.

IN THE SENATE OF THE UNITED STATES

SEPTEMBER 14, 2016

Mr. ALEXANDER (for himself, Ms. AYOTTE, Mr. BARRASSO, Mr. COCHRAN, Mr. JOHNSON, Mr. KIRK, Mr. PERDUE, and Mr. PORTMAN) introduced the following bill; which was read the first time

SEPTEMBER 15, 2016

Read the second time and placed on the calendar

A BILL

To give States the authority to provide temporary access to affordable private health insurance options outside of Obamacare exchanges.

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 “State Flexibility to
5 Provide Affordable Health Options Act”.

1 **SEC. 2. TEMPORARY ACCESS TO AFFORDABLE PRIVATE**
2 **HEALTH INSURANCE OPTIONS OUTSIDE OF**
3 **OBAMACARE EXCHANGES.**

4 (a) IN GENERAL.—For purposes of applying the pro-
5 visions of title I of the Patient Protection and Affordable
6 Care Act (including the amendments made by that title)
7 to a State that has made a determination under subsection
8 (b), the term “qualified health plan” shall be deemed to
9 include any health insurance plan that is authorized by
10 the State to be offered in the individual or small group
11 market in the State other than through the State Ex-
12 change established under title I of the Patient Protection
13 and Affordable Care Act (or Federal Exchange in the case
14 of a State that is not operating such an Exchange).

15 (b) STATE DETERMINATION AND NOTIFICATION.—

16 (1) IN GENERAL.—The Governor of a State, in
17 consultation with the applicable State authority (as
18 defined in section 2791(d)(1) of the Public Health
19 Service Act (42 U.S.C. 300gg–91(d)(1))) of a State
20 may make a determination that temporary access to
21 affordable private health insurance options outside
22 of an Exchange established under title I of the Pa-
23 tient Protection and Affordable Care Act is nec-
24 essary to ensure that residents of the State have ac-
25 cess to an adequate number of affordable private

1 health insurance options in the individual or small
2 group markets in such State.

3 (2) CERTIFICATION.—In making a determina-
4 tion under paragraph (1), the Governor shall certify
5 to the Secretary of Health and Human Services—

6 (A) that there is at least one county (or,
7 in the case of a State that does not have coun-
8 ties, an equivalent municipality) in the State in
9 which none or only one health insurance issuer
10 offers, or is expected to offer, coverage through
11 the State Exchange (or Federal Exchange in
12 the case of a State that is not operating such
13 an Exchange) for the 2017 plan year; or

14 (B) the existence of other factors in the
15 State, such as increased rates or premiums for
16 private health insurance coverage offered, or ex-
17 pected to be offered, through the State Ex-
18 change (or Federal Exchange in the case of a
19 State that is not operating such an Exchange)
20 for the 2017 plan year.

21 (3) NOTIFICATION.—A State shall notify the
22 Secretary of Health and Human Services of a deter-
23 mination under this subsection not later than No-
24 vember 1, 2016.

1 (c) NONAPPLICATION OF INDIVIDUAL MANDATE.—
2 Section 5000A of the Internal Revenue Code of 1986 shall
3 not apply with respect to residents of a State that has
4 made a determination under subsection (b) for the 2017
5 plan year.

6 (d) APPLICATION OF PROVISION.—The provisions of
7 this section shall only apply during the 2017 plan year.

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