

115TH CONGRESS
1ST SESSION

H. R. 1304

IN THE SENATE OF THE UNITED STATES

APRIL 6 (legislative day, APRIL 4), 2017

Received; read twice and referred to the Committee on Health, Education,
Labor, and Pensions

AN ACT

To amend the Employee Retirement Income Security Act of 1974, the Public Health Service Act, and the Internal Revenue Code of 1986 to exclude from the definition of health insurance coverage certain medical stop-loss insurance obtained by certain plan sponsors of group health plans.

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 “Self-Insurance Protec-
 5 tion Act”.

6 **SEC. 2. CERTAIN MEDICAL STOP-LOSS INSURANCE OB-**
 7 **TAINED BY CERTAIN PLAN SPONSORS OF**
 8 **GROUP HEALTH PLANS NOT INCLUDED**
 9 **UNDER THE DEFINITION OF HEALTH INSUR-**
 10 **ANCE COVERAGE.**

11 (a) ERISA.—Section 733(b)(1) of the Employee Re-
 12 tirement Income Security Act of 1974 (29 U.S.C.
 13 1191b(b)(1)) is amended by adding at the end the fol-
 14 lowing sentence: “Such term shall not include a stop-loss
 15 policy obtained by a self-insured health plan or a plan
 16 sponsor of a group health plan that self-insures the health
 17 risks of its plan participants to reimburse the plan or
 18 sponsor for losses that the plan or sponsor incurs in pro-
 19 viding health or medical benefits to such plan participants
 20 in excess of a predetermined level set forth in the stop-
 21 loss policy obtained by such plan or sponsor.”.

22 (b) PHSA.—Section 2791(b)(1) of the Public Health
 23 Service Act (42 U.S.C. 300gg–91(b)(1)) is amended by
 24 adding at the end the following new sentence: “Such term
 25 shall not include a stop-loss policy obtained by a self-in-

1 sured health plan or a plan sponsor of a group health plan
2 that self-insures the health risks of its plan participants
3 to reimburse the plan or sponsor for losses that the plan
4 or sponsor incurs in providing health or medical benefits
5 to such plan participants in excess of a predetermined level
6 set forth in the stop-loss policy obtained by such plan or
7 sponsor.”.

8 (c) IRC.—Section 9832(b)(1)(A) of the Internal Rev-
9 enue Code of 1986 is amended by adding at the end the
10 following new sentence: “Such term shall not include a
11 stop-loss policy obtained by a self-insured health plan or
12 a plan sponsor of a group health plan that self-insures
13 the health risks of its plan participants to reimburse the
14 plan or sponsor for losses that the plan or sponsor incurs
15 in providing health or medical benefits to such plan par-
16 ticipants in excess of a predetermined level set forth in
17 the stop-loss policy obtained by such plan or sponsor.”.

Passed the House of Representatives April 5, 2017.

Attest:

KAREN L. HAAS,

Clerk.