

115TH CONGRESS
1ST SESSION

S. 2241

To amend the Patient Protection and Affordable Care Act by clarifying that State Exchanges are prohibited from imposing fees or assessments on issuers of excepted benefits and standalone dental plans not sold through an Exchange.

IN THE SENATE OF THE UNITED STATES

DECEMBER 14, 2017

Mr. KING introduced the following bill; which was read twice and referred to the Committee on Health, Education, Labor, and Pensions

A BILL

To amend the Patient Protection and Affordable Care Act by clarifying that State Exchanges are prohibited from imposing fees or assessments on issuers of excepted benefits and standalone dental plans not sold through an Exchange.

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. PROHIBITING STATE EXCHANGES FROM IM-**
 2 **POSING ASSESSMENTS OR FEES ON EX-**
 3 **CEPTED BENEFITS AND STANDALONE DEN-**
 4 **TAL PLANS NOT SOLD THROUGH AN EX-**
 5 **CHANGE.**

6 (a) IN GENERAL.—Section 1311(d)(5) of the Patient
 7 Protection and Affordable Care Act (42 U.S.C.
 8 18031(d)(5)) is amended—

9 (1) in subparagraph (A), by inserting “, subject
 10 to subparagraph (C)” after “its operations”; and

11 (2) by adding at the end the following new sub-
 12 paragraph:

13 “(C) LIMITATION.—A State may not
 14 charge a health insurance issuer, solely for pur-
 15 poses of supporting an Exchange in accordance
 16 with subparagraph (A), an assessment, user fee,
 17 tax, or any other fee—

18 “(i) on excepted benefits coverage
 19 within the meaning of section 2791(c) of
 20 the Public Health Service Act that is not
 21 sold on an Exchange; or

22 “(ii) on standalone dental plans de-
 23 scribed in paragraph (2)(B)(ii) that are
 24 not sold on an Exchange.”.

25 (b) EFFECTIVE DATE.—The amendments made by
 26 subsection (a) shall apply to assessments, user fees, taxes,

1 and other fees imposed, assessed, or collected on or after
2 January 1, 2018, except that, with respect to the Ex-
3 change of the District of Columbia, such amendments
4 shall apply to assessments, user fees, taxes, and other fees
5 imposed, assessed, or collected on or after January 1,
6 2020.

