

103<sup>D</sup> CONGRESS  
1<sup>ST</sup> SESSION

# H. R. 3618

To amend title I of the Employee Retirement Income Security Act of 1974 to exempt from preemption thereunder certain provisions of law of the State of Oregon relating to the Oregon Health Plan.

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## IN THE HOUSE OF REPRESENTATIVES

NOVEMBER 22, 1993

Mr. WYDEN (for himself and Ms. FURSE) introduced the following bill; which was referred to the Committee on Education and Labor

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## A BILL

To amend title I of the Employee Retirement Income Security Act of 1974 to exempt from preemption thereunder certain provisions of law of the State of Oregon relating to the Oregon Health Plan.

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 “Universal Health Care  
5       for Oregonians Act of 1993”.

1 **SEC. 2. EXEMPTION FROM ERISA PREEMPTION OF CERTAIN**  
2 **PROVISIONS OF THE LAW OF THE STATE OF**  
3 **OREGON RELATING TO HEALTH PLANS.**

4 Section 514(b) of the Employee Retirement Income  
5 Security Act of 1974 (29 U.S.C. 1144(b)) is amended by  
6 adding at the end the following new paragraph:

7 “(9)(A) Subject to subparagraph (B), subsection (a)  
8 shall not apply to the following provisions of the law of  
9 the State of Oregon as applied to a group health plan:

10 “(i) Chapter 838, Oregon Laws 1989 (relating  
11 to the creation and operation of a high-risk insur-  
12 ance pool).

13 “(ii) Chapter 591, Oregon Laws 1987, chapter  
14 381, Oregon Laws 1989, and chapter 916, Oregon  
15 Laws 1991 (relating to employer-based health plan  
16 coverage reforms).

17 “(iii) Chapter 470, Oregon Laws 1991 (relating  
18 to health care cost containment and technology as-  
19 sessment).

20 “(iv) Chapter 836, Oregon Laws 1989 and  
21 chapter 753, Oregon Laws 1991 (relating to  
22 prioritization and medical assistance reforms).

23 “(v) Chapter 815, Oregon Laws 1993 (relating  
24 to phasing in of employer coverage and other revi-  
25 sions of the Oregon Health Plan).

1           “(vi) Any other provision of the law of the  
2       State of Oregon, to the extent that such provision is  
3       necessary to achieve universal coverage under the  
4       Oregon Health Plan.

5       “(B) Subparagraph (A) shall apply with respect to  
6   any provision of the law of the State of Oregon which pro-  
7   vides, directly or indirectly, for taxation of employers or  
8   group health plans only if under such provision the assess-  
9   ment of the tax is under a uniform schedule, applicable  
10   to all employers and group health plans, and does not dis-  
11   criminate on the basis of the extent to which a group  
12   health plan is insured.

13       “(C) For purposes of this paragraph, the term ‘group  
14   health plan’ has the meaning provided in section 607(1).”.

15   **SEC. 3. APPLICABILITY OF FEDERAL HEALTH REFORM**  
16                   **LEGISLATION TO THE STATE OF OREGON.**

17       The State of Oregon shall not be treated as failing  
18   to comply with applicable requirements of any Federal  
19   health reform law, which is enacted on or after the date  
20   of the enactment of this Act and which provides for cov-  
21   erage of individuals under a comprehensive benefit pack-  
22   age, before the first day of the first calendar year following  
23   the calendar year in which all other States have in effect  
24   plans under which individuals are eligible for coverage

- 1 under a comprehensive benefit package in compliance with
- 2 such law.

