

113<sup>TH</sup> CONGRESS  
2<sup>D</sup> SESSION

# H. R. 5313

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.

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## IN THE HOUSE OF REPRESENTATIVES

JULY 31, 2014

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

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## 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 2014”, the “Mom and Mom SHOP Act of 2014”,  
6 or the “Pop and Pop SHOP Act of 2014”.

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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