Public Law 114–60
114th Congress
An Act
To amend title I of the Patient Protection and Affordable Care Act and title XXVII
of the Public Health Service Act to revise the definition of small employer.

Be it enacted by the Senate and House of Representatives of
the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Protecting Affordable Coverage for Employees Act”.

SEC. 2. REVISION OF DEFINITION OF SMALL EMPLOYER UNDER
HEALTH INSURANCE MARKET PROVISIONS.

(a) PPACA AMENDMENTS.—Section 1304(b) of the Patient
Protection and Affordable Care Act (42 U.S.C. 18024(b)) is
amended—

(1) in paragraph (1), by striking “101” and inserting “51”;
(2) in paragraph (2), by striking “100” and inserting “50”;
and
(3) by amending paragraph (3) to read as follows:
“(3) STATE OPTION TO EXTEND DEFINITION OF SMALL
EMPLOYER.—Notwithstanding paragraphs (1) and (2), nothing
in this section shall prevent a State from applying this sub-
section by treating as a small employer, with respect to a
calendar year and a plan year, an employer who employed
an average of at least 1 but not more than 100 employees
on business days during the preceding calendar year and who
employs at least 1 employee on the first day of the plan year.”.

(b) PHSA AMENDMENTS.—Section 2791(e) of the Public Health
Service Act (42 U.S.C. 300gg–91(e)) is amended—

(1) in paragraph (2), by striking “101” and inserting “51”;
(2) in paragraph (4), by striking “100” and inserting “50”;
and
(3) by adding at the end the following new paragraph:
“(7) STATE OPTION TO EXTEND DEFINITION OF SMALL
EMPLOYER.—Notwithstanding paragraphs (2) and (4), nothing
in this section shall prevent a State from applying this sub-
section by treating as a small employer, with respect to a
calendar year and a plan year, an employer who employed
an average of at least 1 but not more than 100 employees
on business days during the preceding calendar year and who
employs at least 1 employee on the first day of the plan year.”.
(c) Deposit of Savings Into Medicare Improvement Fund.—
Section 1898(b)(1) of the Social Security Act (42 U.S.C. 1395iii(b)(1))
is amended by striking “$0” and inserting “$205,000,000”.

Approved October 7, 2015.