

115TH CONGRESS  
1ST SESSION

# H. R. 1304

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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

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## 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.*