

115TH CONGRESS  
1ST SESSION

# H. R. 1304

**[Report No. 115–53, Part I]**

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.

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## IN THE HOUSE OF REPRESENTATIVES

MARCH 2, 2017

Mr. ROE of Tennessee (for himself and Mr. WALBERG) introduced the following bill; which was referred to the Committee on Energy and Commerce, and in addition to the Committees on Ways and Means, and Education and the Workforce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

MARCH 20, 2017

Additional sponsors: Mr. MITCHELL, Ms. STEFANIK, Mr. SESSIONS, Mr. FLORES, and Mr. MESSER

MARCH 20, 2017

Reported from the Committee on Education and the Workforce with an amendment and ordered to be printed

[Strike out all after the enacting clause and insert the part printed in *italie*]

[For text of introduced bill, see copy of bill as introduced on March 2, 2017]

# **A BILL**

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 following*  
14 *sentence: “Such term shall not include a stop-loss policy*  
15 *obtained by a self-insured health plan or a plan sponsor*  
16 *of a group health plan that self-insures the health risks of*  
17 *its plan participants to reimburse the plan or sponsor for*  
18 *losses that the plan or sponsor incurs in providing health*  
19 *or medical benefits to such plan participants in excess of*  
20 *a predetermined level set forth in the stop-loss policy ob-*  
21 *tained 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 add-*  
24 *ing at the end the following new sentence: “Such term shall*  
25 *not include a stop-loss policy obtained by a self-insured*

1 *health plan or a plan sponsor of a group health plan that*  
2 *self-insures the health risks of its plan participants to reim-*  
3 *burse the plan or sponsor for losses that the plan or sponsor*  
4 *incurs in providing health or medical benefits to such plan*  
5 *participants in excess of a predetermined level set forth in*  
6 *the stop-loss policy obtained by such plan or sponsor.”.*

7       *(c) IRC.—Section 9832(b)(1)(A) of the Internal Rev-*  
8 *enue Code of 1986 is amended by adding at the end the*  
9 *following new sentence: “Such term shall not include a stop-*  
10 *loss policy obtained by a self-insured health plan or a plan*  
11 *sponsor of a group health plan that self-insures the health*  
12 *risks of its plan participants to reimburse the plan or spon-*  
13 *sor for losses that the plan or sponsor incurs in providing*  
14 *health or medical benefits to such plan participants in ex-*  
15 *cess of a predetermined level set forth in the stop-loss policy*  
16 *obtained by such plan or sponsor.”.*

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