

116TH CONGRESS  
1ST SESSION

# H. R. 352

To remove penalties for health insurers under the Patient Protection and Affordable Care Act and Health Care and Education Reconciliation Act of 2010.

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## IN THE HOUSE OF REPRESENTATIVES

JANUARY 8, 2019

Mr. YOHO (for himself, Mr. WEBER of Texas, Mr. BABIN, Mr. DESJARLAIS, and Mr. GIBBS) introduced the following bill; which was referred to the Committee on Energy and Commerce

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## A BILL

To remove penalties for health insurers under the Patient Protection and Affordable Care Act and Health Care and Education Reconciliation Act of 2010.

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 “Holding Health Insur-  
5 ers Harmless Act”.

6 **SEC. 2. SAFE HARBOR FOR PRIVATE SECTOR HEALTH IN-**  
7 **SURANCE PROVIDERS FROM ACA PENALTIES.**

8 (a) IN GENERAL.—Subject to subsection (b), no  
9 health insurance issuer offering health insurance coverage

1 nor sponsor of a group health plan shall be penalized,  
2 fined, or otherwise punished by any agency or instrumen-  
3 tality of the United States Government for a failure of  
4 such coverage or plan to comply with any of the applicable  
5 requirements under the Patient Protection and Affordable  
6 Care Act and the Health Care and Education Reconcili-  
7 ation Act of 2010 (including under the amendments made  
8 by such Acts).

9 (b) EXCEPTION.—Subsection (a) shall not apply with  
10 respect to the requirements under section 2704 and sec-  
11 tion 2714 of the Public Health Service Act (42 U.S.C.  
12 300gg–3 and 300gg–14), including the regulations pro-  
13 mulgated pursuant to such sections.

14 (c) DEFINITIONS.—For purposes of this section:

15 (1) The term “agency or instrumentality”  
16 means any department or independent agency of the  
17 United States Government that is tasked with en-  
18 forcing applicable requirements of the Patient Pro-  
19 tection and Affordable Care Act and the Health  
20 Care and Education Reconciliation Act of 2010.

21 (2) The terms “health insurance issuer offering  
22 health insurance coverage” and “sponsor of a group  
23 health plan” shall be construed as consistent with  
24 use of such terms for purposes of the Patient Pro-  
25 tection and Affordable Care Act, and shall include

1 any sole proprietorship, partnership, for-profit cor-  
2 poration, nonprofit corporation, or any other non-  
3 governmental entity that engages in the sale or dis-  
4 tribution of health insurance products.

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