

.....
(Original Signature of Member)

115TH CONGRESS
1ST SESSION

H. R. _____

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.

IN THE HOUSE OF REPRESENTATIVES

M____. _____ introduced the following bill; which was referred to the
Committee on _____

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”.

1 **SEC. 2. CERTAIN MEDICAL STOP LOSS INSURANCE OB-**
2 **TAINED BY CERTAIN PLAN SPONSORS OF**
3 **GROUP HEALTH PLANS NOT INCLUDED**
4 **UNDER THE DEFINITION OF HEALTH INSUR-**
5 **ANCE COVERAGE.**

6 (a) ERISA.—Section 733(b)(1) of the Employee Re-
7 tirement Income Security Act of 1974 (29 U.S.C.
8 1191b(b)(1)) is amended by adding at the end the fol-
9 lowing 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
13 sponsor for losses that the plan or sponsor incurs in pro-
14 viding health or medical benefits to such plan participants
15 in excess of a predetermined level set forth in the stop
16 loss policy obtained by such plan or sponsor.”.

17 (b) PHSA.—Section 2791(b)(1) of the Public Health
18 Service Act (42 U.S.C. 300gg–91(b)(1)) is amended by
19 adding at the end the following new sentence: “Such term
20 shall not include a stop loss policy obtained by a self-in-
21 sured health plan or a plan sponsor of a group health plan
22 that self-insures the health risks of its plan participants
23 to reimburse the plan or sponsor for losses that the plan
24 or sponsor incurs in providing health or medical benefits
25 to such plan participants in excess of a predetermined level

1 set forth in the stop loss policy obtained by such plan or
2 sponsor.”.

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