

115TH CONGRESS  
1ST SESSION

# H. R. 1304

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

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## 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,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Self-Insurance Protec-  
3 tion Act”.

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

9 (a) ERISA.—Section 733(b)(1) of the Employee Re-  
10 tirement Income Security Act of 1974 (29 U.S.C.  
11 1191b(b)(1)) is amended by adding at the end the fol-  
12 lowing new sentence: “Such term shall not include a stop-  
13 loss policy obtained by a self-insured health plan or a plan  
14 sponsor of a group health plan that self-insures the health  
15 risks of its plan participants to reimburse the plan or  
16 sponsor for losses that the plan or sponsor incurs in pro-  
17 viding health or medical benefits to such plan participants  
18 in excess of a predetermined level set forth in the stop-  
19 loss policy obtained by such plan or sponsor.”.

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

1 or sponsor incurs in providing health or medical benefits  
2 to such plan participants in excess of a predetermined level  
3 set forth in the stop-loss policy obtained by such plan or  
4 sponsor.”.

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

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