

115TH CONGRESS
1ST SESSION

H. R. 661

To authorize health insurance issuers to offer for sale previously available health insurance coverage in the small group market in satisfaction of the minimum essential health insurance coverage requirement, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JANUARY 24, 2017

Mr. GUTHRIE introduced the following bill; which was referred to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, 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

A BILL

To authorize health insurance issuers to offer for sale previously available health insurance coverage in the small group market in satisfaction of the minimum essential health insurance coverage requirement, and for other purposes.

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 “Employee Fairness and
5 Relief Act of 2017”.

1 **SEC. 2. PERMITTING CONTINUED OFFERING OF PRE-ACA**
2 **HEALTH INSURANCE COVERAGE IN THE**
3 **SMALL GROUP MARKET.**

4 (a) IN GENERAL.—Notwithstanding any provision of
5 the Patient Protection and Affordable Care Act (including
6 any amendment made by such Act or by the Health Care
7 and Education Reconciliation Act of 2010), a health insur-
8 ance issuer that has in effect health insurance coverage
9 in the small group market on any date during 2013 may
10 offer such coverage for sale on or after the date of the
11 enactment of this Act in such market outside of an Ex-
12 change established under section 1311 or 1321 of such
13 Act (42 U.S.C. 18031, 18041). Such a group health plan
14 shall not be treated as not complying with the require-
15 ments of such Act (or the amendments made by such
16 Acts) insofar as it provides health benefits through health
17 insurance coverage that is permitted under the previous
18 sentence.

19 (b) TREATMENT AS GRANDFATHERED HEALTH
20 PLAN IN SATISFACTION OF MINIMUM ESSENTIAL COV-
21 ERAGE.—Health insurance coverage described in sub-
22 section (a) shall be treated as a grandfathered health plan
23 for purposes of the amendment made by section 1501(b)
24 of the Patient Protection and Affordable Care Act.

25 (c) CONSTRUCTION.—Nothing in this section shall be
26 construed as affecting the authority of States with respect

1 to the regulation of health insurance coverage in the small
2 group market.

3 (d) SMALL GROUP MARKET DEFINED.—In this sec-
4 tion, the term “small group market” has the meaning
5 given such term in section 2791(e)(5) of the Public Health
6 Service Act (42 U.S.C. 300gg–91(e)(5)).

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