

108TH CONGRESS
1ST SESSION

H. R. 2851

To amend title XXVII of the Public Health Service Act to improve the affordability of health insurance coverage for small employers.

IN THE HOUSE OF REPRESENTATIVES

JULY 24, 2003

Mr. PENCE (for himself, Mr. SESSIONS, Mrs. MUSGRAVE, Mr. PAUL, Mr. RYUN of Kansas, Mr. TERRY, Mr. DOOLITTLE, Mrs. NORTHUP, Mr. FLAKE, Mr. CRANE, Mr. GARRETT of New Jersey, Mr. JONES of North Carolina, Mr. OTTER, Mr. BURTON of Indiana, and Mr. SENSENBRENNER) introduced the following bill; which was referred to the Committee on Energy and Commerce

A BILL

To amend title XXVII of the Public Health Service Act to improve the affordability of health insurance coverage for small employers.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SEC. 1. REPEAL OF GUARANTEED ISSUE IN SMALL GROUP**
4 **MARKET.**

5 (a) IN GENERAL.—Subsection (a) of section 2711 of
6 the Public Health Service Act (42 U.S.C. 300gg–11) is
7 amended by striking “in a State__” and all that follows

1 through “must accept for enrollment” and inserting “in
2 a State must accept for enrollment”.

3 (b) EFFECTIVE DATES.—

4 (1) IN GENERAL.—Subject to paragraph (2),
5 the amendments made by subsection (a) shall apply
6 with respect to group health plans, and health insur-
7 ance coverage offered in connection with group
8 health plans, for plan years beginning on or after
9 January 1, 2004 (in this subsection referred to as
10 the “general effective date”) and also shall apply to
11 portions of plan years occurring on and after such
12 date.

13 (2) TREATMENT OF COLLECTIVE BARGAINING
14 AGREEMENTS.—In the case of a group health plan
15 maintained pursuant to 1 or more collective bar-
16 gaining agreements between employee representa-
17 tives and 1 or more employers ratified before the
18 date of enactment of this Act, the amendments made
19 by this Act shall not apply to plan years beginning
20 before the later of—

21 (A) the date on which the last collective
22 bargaining agreements relating to the plan ter-
23 minates (determined without regard to any ex-
24 tension thereof agreed to after the date of en-
25 actment of this Act); or

1 (B) the general effective date.
2 For purposes of subparagraph (A), any plan amendment
3 made pursuant to a collective bargaining agreement relat-
4 ing to the plan which amends the plan solely to conform
5 to any requirement added by this section shall not be
6 treated as a termination of such collective bargaining
7 agreement.

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