

2019 Affordable Care Act Reform Legislation Tracker

Newly Included Legislation and Procedural Updates

- January 16: Sen. Cory Gardner (R-CO) introduced the Health Insurance Tax Relief Act ([S. 172](#)), which delays the ACA's health insurance tax until 2022.
- January 18: Rep. Greg Walden (R-OR) introduced the Preexisting Conditions Protection Act ([H.R. 692](#)), which maintains several of the ACA's consumer protections (e.g., preexisting condition coverage, non-discrimination requirements, wellness provisions, etc.), if the ACA is repealed.
- February 6: Rep. Ann Kuster (D-NH) introduced the Protecting Americans with Preexisting Conditions Act ([H.R. 986](#)), which prevents HHS and Treasury from implementing, enforcing, or giving effect to HHS's 2018 guidance on state innovation waivers.
- February 6: Rep. Lisa Blunt Rochester (D-DE) introduced the Marketing and Outreach Restoration to Empower (MORE) Health Education Act of 2019 ([H.R. 987](#)), which appropriates \$100 million annually for education, marketing, and outreach efforts for ACA-compliant plans.

I. Single-Issue Legislation (116th Congress - 2019) (*all legislation has been introduced; no further action has been taken, unless noted*)

Cadillac Tax Repeal (and Other ACA Taxes and Fees)

Wellness

Health Savings Accounts

Mandate Reform/Alternatives

Antitrust

Interstate Sales

Stop-Loss

Essential Health Benefits

ACA Market Reforms

Short-Term, Limited-Duration Insurance

Association Health Plans

Multi-Issue Bills

Section 1332 Waivers

Blanket Repeal

Miscellaneous

Cadillac Tax Repeal (and Other ACA Taxes and Fees)

<p>Jobs and Premium Protection Act S. 80 Sen. John Barrasso (R-WY)</p>	<p>Repeals the ACA’s health insurance tax.</p>
<p>Health Insurance Tax Relief Act S. 172 Sen. Cory Gardner (R-CO)</p>	<p>Delays the implementation of the ACA’s health insurance tax until 2022.</p>

Wellness

Health Savings Accounts

<p>Health Savings Act of 2019 S. 12 Sen. Marco Rubio (R-FL)</p>	<p><i>On-Site Clinics</i> – Creates a special rule for individuals eligible for on-site medical clinic coverage (eligibility to receive health care benefits from an on-site medical clinic of an employer does not qualify as coverage under a health plan if such health care benefits are not significant benefits). Examples of such benefits include:</p> <ul style="list-style-type: none"> • Physicals and immunizations • Injecting antigens provided by employees • Medications available without a prescription (pain relievers, antihistamines, etc.) • Treatment for injuries occurring at the employer’s place of employment or otherwise in the course of employment • Tests for infectious diseases and conditions • Monitoring of chronic conditions • Drug testing • Hearing or vision screenings and related services • Other services and treatments of a similar nature <p><i>OTC Medications</i> – Includes an amount paid for any prescription or OTC medicine or drug within the definition of a “qualified medical expense;” includes within the definition of “preventive care” prescription and OTC drugs.</p> <p><i>Contribution Amount</i> – Increases maximum contribution limit.</p> <p><i>Medicare Enrollment</i> – Allows Medicare beneficiaries enrolled only in Part A to continue to contribute to HSAs after turning 65 if otherwise eligible.</p>
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	<i>Other</i> – Renames HDHP as “HSA-qualified health plan;” allows both spouses to make catch up contributions to the same HSA account; simplifies limitations on FSA and HSA rollovers; eliminates tax for failure to maintain HDHP coverage.
Health Savings Account Expansion Act H.R. 603 Rep. Mike Gallagher (R-WI)	<i>OTC Medications</i> – Repeals the restriction on using HSAs for OTC medications. <i>Contribution Amount</i> – Increases maximum contribution limit. <i>Other</i> – Permits the use of HSAs to pay health insurance premiums and direct primary care expenses; eliminates the requirement that a participant in an HSA be enrolled in an HDHP; decreases the additional tax for HSA distributions not used for qualified medical expenses.
Health Savings Account Act H.R. 457 Rep. Jeff Fortenberry (R-NE)	<i>Contribution Amount</i> – Increases maximum contribution limit. <i>Other</i> – Allows HSAs to be used for fitness center memberships; allows individuals who receive direct primary care services in exchange for a fixed periodic fee or payment to participate in an HSA, among other things.

Mandate Reform/Alternatives

Antitrust

Interstate Sales

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Essential Health Benefits

ACA Market Reforms

Continuing Coverage for Preexisting Conditions Act H.R. 383 Rep. David Joyce (R-OH)	Ensures that the ACA’s prohibition against preexisting condition exclusions is protected if the ACA is found to be unconstitutional or otherwise invalid.
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<p>Preexisting Conditions Protection Act H.R. 692 Rep. Greg Walden (R-OR)</p>	<p>Maintains the ACA’s consumer protections (e.g., preexisting condition coverage, non-discrimination requirements, genetic information collection prohibitions, wellness provisions), if the ACA is repealed.</p>
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Short-Term, Limited-Duration Insurance

Association Health Plans

Multi-Issue Bills

<p>Keeping Health Insurance Affordable Act of 2019 S. 3 Sen. Ben Cardin (D-MD)</p>	<p>Appropriates \$2 billion to HHS for the purposes of establishing a public health insurance option that offers bronze, silver, and gold ACA-compliant plans on the exchanges alongside private health plans; establishes a permanent Individual Market Reinsurance program; and permanently appropriates funds for cost-sharing reductions, among other things.</p>
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Section 1332 Waivers

<p>Protecting Americans with Preexisting Conditions Act H.R. 986 Rep. Ann Kuster (D-NH)</p>	<p>Prohibits HHS and Treasury from implementing, enforcing, or giving effect to the agencies’ 2018 “State Relief and Empowerment Waivers” guidance; prevents the agencies from promulgating any similar guidance or rule.</p>
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Blanket Repeal

<p>Responsible Path to Full Obamacare Repeal Act H.R. 83 Rep. Andy Biggs (R-AZ)</p>	<p>Repeals the ACA in its entirety.</p>
<p>ObamaCare Repeal Act H.R. 185 Rep. Steve King (R-IA)</p>	<p>Repeals the ACA in its entirety.</p>

Miscellaneous

<p>Transparency and Accountability of Failed Exchanges Act H.R. 59 Rep. Rick Allen (R-GA)</p>	<p>In the event a state-awarded exchange fails/is terminated, requires the state to (1) provide audits of the use of grant funds and (2) return unused funds to the federal government.</p>
<p>Protection from Obamacare Mandates and Congressional Equity Act H.R. 90 Rep. Andy Biggs (R-AZ)</p>	<p>Provides an exemption to the ACA’s individual mandate for individuals residing in counties with fewer than two health insurance issuers offering plans on an exchange; expands the requirement that members of Congress and certain congressional staff purchase coverage on the exchange to include committee staffers, political appointees, the President and Vice President, and others.</p>
<p>Care for All Act H.R. 456 Rep. Jeff Fortenberry (R-NE)</p>	<p>Allows catastrophic health plans to be offered as QHPs to any individual in the individual or group market.</p>
<p>Holding Health Insurers Harmless Act H.R. 352 Rep. Ted Yoho (R-FL)</p>	<p>Provides a safe harbor from the ACA’s penalties to health insurers that offer plans that are not ACA-compliant.</p>
<p>H.R. 518 Rep. Steve King (R-IA)</p>	<p>Bans the Supreme Court from citing certain ACA-related cases (e.g., <i>NFIB v. Sebelius</i>, <i>King v. Burwell</i>, and <i>Burwell v. Hobby Lobby</i>) in future decisions.</p>
<p>Marketing and Outreach Restoration to Empower (MORE) Health Education Act of 2019 H.R. 987 Rep. Lisa Blunt Rochester (D-DE)</p>	<p>Appropriates \$100 million in annual funding for ACA-related education, marketing, and outreach efforts; prohibits the funds from being used for non-ACA compliant health insurance plans (e.g., AHPs and STLDI plans).</p>