

114TH CONGRESS  
2D SESSION

**S.** \_\_\_\_\_

To provide an exemption to the individual mandate to maintain health coverage for certain individuals residing in service areas with no health insurance issuers offering plans on an Exchange, and for other purposes.

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IN THE SENATE OF THE UNITED STATES

Mr. FLAKE introduced the following bill; which was read twice and referred to the Committee on \_\_\_\_\_

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**A BILL**

To provide an exemption to the individual mandate to maintain health coverage for certain individuals residing in service areas with no health insurance issuers offering plans on an Exchange, 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. HARDSHIP EXEMPTION FOR INDIVIDUALS**

4 **WITH NO PLANS OFFERED ON AN EXCHANGE.**

5 (a) IN GENERAL.—

6 (1) MODIFICATION OF HARDSHIP EXEMP-

7 TION.—Section 1311(d)(4)(H) of the Patient Pro-

1        tecton and Affordable Care Act (42 U.S.C.  
2        18031(d)(4)(H)) is amended—

3                (A) in clause (i), by striking “or” at the  
4        end;

5                (B) by redesignating clause (ii) as clause  
6        (iii); and

7                (C) by inserting after clause (i) the fol-  
8        lowing new clause:

9                “(ii) there is no health insurance  
10        issuer offering any qualified health plan to  
11        such individual through an Exchange in  
12        the service area in which the individual re-  
13        sides; or”.

14                (2) EFFECTIVE DATE.—The amendments made  
15        by paragraph (1) shall apply to months beginning on  
16        or after January 1, 2017.

17                (b) SHORT-TERM PLANS.—Notwithstanding any  
18        other provision of law, an individual who has been certified  
19        under clause (ii) of section 1311(d)(4)(H) of the Patient  
20        Protection and Affordable Care Act (42 U.S.C.  
21        13031(d)(4)(H)) as exempt from the individual require-  
22        ment or penalty under section 5000A of the Internal Rev-  
23        enue Code of 1986 may enroll in a short-term health plan  
24        for each month for which such certification applies, and  
25        a health insurance issuer may provide any such individual

1 coverage under a short-term health plan for each such  
2 month, including continuous coverage in excess of 3  
3 months and renewal of coverage, as applicable.