

Employer Reporting Gets More Complex as Additional States Adopt Health Insurance Mandates

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On July 2, 2019, and July 5, 2019, [California](#) and [Rhode Island](#), respectively, each adopted an individual health insurance mandate. The laws require residents in those states, beginning on January 1, 2020, to have qualified health insurance coverage or owe a penalty. Beginning in 2021, employers will have reporting obligations under those laws.

Massachusetts, [New Jersey](#), Vermont, and the District of Columbia already have individual health insurance mandates. Other states, including Connecticut, Hawaii, Minnesota, and Washington, are considering such mandates.

The Tax Cuts and Jobs Act of 2017 (“TCJA”) effectively repealed the federal individual mandate. While a [ruling](#) that the post-TCJA Affordable Care Act (“ACA”) is unconstitutional in its entirety is being challenged, the ACA remains enforceable law. Employers may be able to leverage existing ACA-required forms, unless and until they are changed, to satisfy their state reporting obligations. [New Jersey](#) and [the District](#) have confirmed their intent to rely on the federal forms for now.

However, employers will also need to navigate various state reporting, which may have different forms, deadlines, and processes. Employers operating outside of states with mandates will need to determine if they have reporting obligations for employees residing in states with mandates. Employers should work with legal counsel and their vendors to assess their obligations and prepare for new state reporting.

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