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**TO:** Certifying Officers, State Colleges and Universities; Local Employers participating in the State Health Benefits Program (SHBP) and School Employees' Health Benefits Program (SEHBP)

**FROM:** New Jersey Division of Pensions and Benefits

**SUBJECT: Employer Responsibility: Affordable Care Act (ACA) Reporting Extension and New Tax Provisions**

This Certifying Officer letter pertains to the extension of the due dates for the 2015 information reporting requirements by the Internal Revenue Service and the new provisions affecting the implementation of the Affordable Care Act's (ACA) excise tax on high-cost health plans.

Employer Shared Responsibility — Extension of Reporting Dates

Under the ACA's Employer Shared Responsibility requirements, employers are required to file yearly returns with the IRS to provide information on their full-time employees and the standards and conditions of any health coverage offered by the employer. IRS Notice 2016-4 extends the due dates for employers for the 2015 information reporting requirements for furnishing information to individuals and filing with the IRS:

1. The notice extends the due date for furnishing to individuals the 2015 Form 1095-B, *Health Coverage*, and the 2015 Form 1095-C, *Employer-Provided Health Insurance Offer and Coverage*, from February 1, 2016, to March 31, 2016; and
2. For filing with the IRS the 2015 Form 1094-B, *Transmittal of Health Coverage Information Returns*, the 2015 Form 1095-B, *Health Coverage*, the 2015 Form 1094-C, *Transmittal of Employer-Provided Health Insurance Offer and Coverage Information Returns*, and the 2015 Form 1095-C, *Employer-Provided Health Insurance Offer and Coverage*, from February 29, 2016, to May 31, 2016, if not filing electronically, and from March 31, 2016, to June 30, 2016 if filing electronically.

For more information about this new notice, please visit the IRS Web site at:  
[www.irs.gov/pub/irs-drop/n-16-4.pdf](http://www.irs.gov/pub/irs-drop/n-16-4.pdf)

New Provisions for the Excise Tax

As a result of the federal Consolidated Appropriations Act of 2016, that was signed into law on December 18, 2015, the new provisions are as follows:

- A two-year delay was approved for the effective date of the excise tax (from Plan Year 2018 to Plan Year 2020);
- The excise tax will be paid on the amount by which the total cost of coverage exceeds a tax threshold; and
- The law makes the excise tax deductible for employers.

For employer-sponsored health coverage that costs more than the predetermined threshold, the ACA 40 percent excise tax on high-cost health plans will start in 2020, instead of 2018. This law does not change the method for determining excess threshold levels and thresholds will rise with the Consumer Price Index. The new law also permanently changed the ACA so that excise tax costs are now deductible. The ACA had originally provided that the excise tax was *not* deductible.

Two other changes to the ACA as a result of the Consolidated Appropriations Act are the suspension for one year, until 2017, of the health insurance tax paid by health insurance carriers on their insured business and the suspension of the medical device tax for two years, 2016 and 2017.

To learn more about the ACA Tax Provisions, visit the IRS Web site at:  
[www.irs.gov/Affordable-Care-Act/Affordable-Care-Act-Tax-Provisions](http://www.irs.gov/Affordable-Care-Act/Affordable-Care-Act-Tax-Provisions)