

**[Date]**

[Client Name]

[Client Address]

[City, State, Zip]

**Re: ERISA Status Opinion Letter - [Name of Health and Welfare Plan]**

Dear [Client Representative],

You have requested our legal opinion regarding whether the [Plan Name] (the "Plan") established by [Company Name] (the "Employer") constitutes an "employee welfare benefit plan" as defined under Section 3(1) of the Employee Retirement Income Security Act of 1974, as amended ("ERISA").

### **Documents Reviewed**

In connection with this opinion, we have reviewed the following documents:

- The Plan Document and Summary Plan Description (SPD);
- Insurance policies and/or administrative services agreements;
- Employer organizational documents;
- [Other relevant documents].

### **Analysis**

Under ERISA Section 3(1), an employee welfare benefit plan is any plan, fund, or program established or maintained by an employer for the purpose of providing benefits such as medical, surgical, or hospital care; benefits in the event of sickness, accident, disability, death, or unemployment; or other similar benefits.

Based on our review, the Plan meets the following criteria:

1. **Provision of Benefits:** The Plan provides [list benefits, e.g., health, dental, vision], which are specifically enumerated under ERISA.
2. **Establishment/Maintenance:** The Plan is established and maintained by the Employer, as evidenced by [mention funding, administration, or formal adoption].
3. **Participants:** The Plan is offered to employees and their beneficiaries.

### **Opinion**

Based upon the foregoing and subject to the assumptions and qualifications set forth herein, it is our opinion that the Plan is an "employee welfare benefit plan" subject to the requirements of ERISA. Consequently, the Plan must comply with ERISA's reporting, disclosure, fiduciary, and claims procedure requirements.

## **Exclusions and Limitations**

This opinion is limited to the federal laws of the United States. We express no opinion as to the Plan's status under state insurance laws or the tax-qualified status of the Plan under the Internal Revenue Code.

Sincerely,

[Attorney/Firm Name]

[Title]