

DOL Penalties Remain Unchanged for 2026

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On May 27, 2026, the Department of Labor (DOL) published a statement that they will not make any adjustments to civil money penalties under the Inflation Adjustment Act in 2026, leaving all DOL penalties applicable to employee benefit plans unchanged from their 2025 amounts.

Annual Penalties for 2026 Remain Unchanged

The following updated penalties are applicable to health and welfare plans subject to ERISA.

Description	2025 & 2026 Penalty (CURRENT)
Failure to file Form 5500	Up to \$2,739 per day
Failure of a MEWA to file reports (i.e., M-1)	Up to \$1,992 per day
Failure to provide CHIP Notice	Up to \$145 per day per employee
Failure to disclose CHIP/Medicaid coordination to the State	\$145 per day per violation (per participant/beneficiary)
Failure to provide SBCs	Up to \$1,443 per failure

Failure to furnish plan documents (including SPDs/SMMs) to DOL on request	\$195 per day \$1,956 cap per request
Genetic information failures	\$145 per day (per participant/beneficiary)
De minimis failures to meet genetic information requirements	\$3,642 minimum
Failure to meet genetic information requirements - not de minimis failures	\$21,864 minimum
Cap on unintentional failures to meet genetic information requirements	\$728,764 maximum

Employer Action

Private employers, including non-profits, should ensure employees receive required notices timely (SBC, CHIP, SPD, etc.) to prevent civil penalty assessments. In addition, employers should ensure Form 5500s are properly and timely filed, if applicable. Finally, employers facing document requests from EBSA should ensure documents are provided timely, as requested.