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Date: (Filing No. H-)

HEALTH COVERAGE, INSURANCE AND FINANCIAL SERVICES

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**STATE OF MAINE
HOUSE OF REPRESENTATIVES
130TH LEGISLATURE
FIRST SPECIAL SESSION**

COMMITTEE AMENDMENT “ ” to H.P. 828, L.D. 1150, “An Act To Eliminate Insurance Rating Based on Age, Geographic Location or Smoking History and To Reduce Rate Variability Due to Group Size”

Amend the bill by striking out the title and substituting the following:

'An Act To Phase Out Insurance Rating Based on Smoking History'

Amend the bill by striking out everything after the enacting clause and inserting the following:

'Sec. 1. 24-A MRSA §2736-C, sub-§2, ¶D, as amended by PL 2019, c. 5, Pt. A, §3, is further amended by amending subparagraph (8) to read:

(8) For all policies, contracts or certificates that are executed, delivered, issued for delivery, continued or renewed in this State ~~on or after~~ between July 1, 2012 and December 31, 2022, the maximum rate differential due to tobacco use filed by the carrier as determined by ratio is 1.5 to 1, except that the carrier may not apply a rate differential pursuant to this subparagraph when the covered individual is participating in an evidence-based tobacco cessation strategy approved by the United States Department of Health and Human Services, Food and Drug Administration. For all policies, contracts or certificates that are executed, delivered, issued for delivery, continued or renewed in this State between January 1, 2023 and December 31, 2023, the maximum rate differential due to tobacco use filed by the carrier as determined by ratio is 1.25 to 1, except that the carrier may not apply a rate differential pursuant to this subparagraph when the covered individual is participating in an evidence-based tobacco cessation strategy approved by the United States Department of Health and Human Services, Food and Drug Administration. For all policies, contracts or certificates that are executed, delivered, issued for delivery, continued or renewed in this State on or after January 1, 2024, a carrier may not vary the premium rate due to tobacco use.

Sec. 2. 24-A MRSA §2808-B, sub-§2, ¶D, as amended by PL 2019, c. 5, Pt. A, §11, is further amended by amending subparagraph (9) to read:

COMMITTEE AMENDMENT

1 (9) For all policies, contracts or certificates that are executed, delivered, issued for
2 delivery, continued or renewed in this State ~~on or after~~ between October 1, 2011
3 and December 31, 2022, the maximum rate differential due to tobacco use filed by
4 the carrier as determined by ratio is 1.5 to 1, except that the carrier may not apply
5 a rate differential pursuant to this subparagraph when the covered individual is
6 participating in an evidence-based tobacco cessation strategy approved by the
7 United States Department of Health and Human Services, Food and Drug
8 Administration. For all policies, contracts or certificates that are executed,
9 delivered, issued for delivery, continued or renewed in this State between January
10 1, 2023 and December 31, 2023, the maximum rate differential due to tobacco use
11 filed by the carrier as determined by ratio is 1.25 to 1, except that the carrier may
12 not apply a rate differential pursuant to this subparagraph when the covered
13 individual is participating in an evidence-based tobacco cessation strategy
14 approved by the United States Department of Health and Human Services, Food
15 and Drug Administration. For all policies, contracts or certificates that are
16 executed, delivered, issued for delivery, continued or renewed in this State on or
17 after January 1, 2024, a carrier may not vary the premium rate due to tobacco use.'

18 Amend the bill by relettering or renumbering any nonconsecutive Part letter or section
19 number to read consecutively.

20 **SUMMARY**

21 This amendment replaces the bill. The amendment reduces the maximum rating
22 differential due to tobacco use that may be used by carriers to determine individual and
23 small group health insurance premiums to 1.25 to 1 for plan year 2023 and prohibits rating
24 due to tobacco use in plan year 2024 and thereafter. Under current law, the maximum rate
25 differential due to tobacco use is 1.5 to 1.