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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.