



## 2009 SENATE BILL 502

January 29, 2010 - Introduced by Senators SULLIVAN, DARLING, TAYLOR, SCHULTZ, LAZICH, WIRCH, COWLES and HANSEN, cosponsored by Representatives ZIGMUNT, KAUFERT, NYGREN, VOS, SHILLING, MOLEPSKE JR., VRUWINK, SINICKI, JORGENSEN, TURNER, ROYS, BENEDICT, PASCH, MONTGOMERY, CULLEN, BARCA, SOLETSKI, RIPP, VAN ROY and ZEPNICK. Referred to Committee on Health, Health Insurance, Privacy, Property Tax Relief, and Revenue.

1     **AN ACT** *to create* 628.34 (13) of the statutes; **relating to:** exempting wellness  
2           programs from unfair trade or marketing practices.

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### *Analysis by the Legislative Reference Bureau*

Under current law, an insurer may not engage in any of the following unfair trade or marketing practices: inducing a person to enter into an insurance contract by offering benefits not specified in the policy; making an agreement of insurance that is not clearly expressed in the policy; unfairly discriminating among insureds by charging different premiums or by offering different terms of coverage except on the basis of classifications related to the nature and degree of risk covered or the expenses involved; attempting to influence an employer to refuse employment of an individual or discharge an employee; or committing any unfair trade practice that the commissioner defines by rule.

This bill allows an insurer to advertise, market, offer, or operate a wellness program without violating an unfair trade or marketing practice. A wellness program is designed to promote health or prevent disease by offering a reward to insured individuals. If a wellness program contains no conditions for obtaining a reward based on an individual satisfying a standard that is related to a health factor, the wellness program is exempt from unfair trade or marketing practice laws if participation in the program is available to all similarly situated individuals. Alternately, a wellness program that is based on an individual satisfying a standard that is related to a health factor is exempt from unfair trade or marketing practice laws if it has all of the following qualities: the reward does not exceed 20 percent of the cost of the coverage under the plan; the program is reasonably designed to

