

SHB 2160 - S COMM AMD

By Committee on Health & Long-Term Care

ADOPTED 03/31/2009

1 Strike everything after the enacting clause and insert the
2 following:

3 "Sec. 1. RCW 48.30.140 and 2008 c 217 s 35 are each amended to
4 read as follows:

5 (1) Except to the extent provided for in an applicable filing with
6 the commissioner then in effect, no insurer, insurance producer, or
7 title insurance agent shall, as an inducement to insurance, or after
8 insurance has been effected, directly or indirectly, offer, promise,
9 allow, give, set off, or pay to the insured or to any employee of the
10 insured, any rebate, discount, abatement, or reduction of premium or
11 any part thereof named in any insurance contract, or any commission
12 thereon, or earnings, profits, dividends, or other benefit, or any
13 other valuable consideration or inducement whatsoever which is not
14 expressly provided for in the policy.

15 (2) Subsection (1) of this section shall not apply as to
16 commissions paid to a licensed insurance producer, or title insurance
17 agent for insurance placed on that person's own property or risks.

18 (3) This section shall not apply to the allowance by any marine
19 insurer, or marine insurance producer, to any insured, in connection
20 with marine insurance, of such discount as is sanctioned by custom
21 among marine insurers as being additional to the insurance producer's
22 commission.

23 (4) This section shall not apply to advertising or promotional
24 programs conducted by insurers, insurance producers, or title insurance
25 agents whereby prizes, goods, wares, or merchandise, not exceeding
26 twenty-five dollars in value per person in the aggregate in any twelve
27 month period, are given to all insureds or prospective insureds under
28 similar qualifying circumstances.

29 (5) This section does not apply to an offset or reimbursement of

1 all or part of a fee paid to an insurance producer as provided in RCW
2 48.17.270.

3 (6)(a) Subsection (1) of this section shall not be construed to
4 prohibit a health carrier or disability insurer from including as part
5 of a group or individual health benefit plan or contract containing
6 health benefits, a wellness program which meets the requirements for an
7 exception from the prohibition against discrimination based on a health
8 factor under the health insurance portability and accountability act
9 (P.L. 104-191; 110 Stat. 1936) and regulations adopted pursuant to that
10 act.

11 (b) For purposes of this subsection: (i) "Health carrier" and
12 "health benefit plan" have the same meaning as provided in RCW
13 48.43.005; and (ii) "wellness program" has the same meaning as provided
14 in 45 CFR 146.121(f).

15 **Sec. 2.** RCW 48.30.150 and 2008 c 217 s 36 are each amended to read
16 as follows:

17 (1) No insurer, insurance producer, title insurance agent, or other
18 person shall, as an inducement to insurance, or in connection with any
19 insurance transaction, provide in any policy for, or offer, or sell,
20 buy, or offer or promise to buy or give, or promise, or allow to, or on
21 behalf of, the insured or prospective insured in any manner whatsoever:

22 ~~((1))~~ (a) Any shares of stock or other securities issued or at
23 any time to be issued on any interest therein or rights thereto; or

24 ~~((2))~~ (b) Any special advisory board contract, or other contract,
25 agreement, or understanding of any kind, offering, providing for, or
26 promising any profits or special returns or special dividends; or

27 ~~((3))~~ (c) Any prizes, goods, wares, or merchandise of an
28 aggregate value in excess of twenty-five dollars.

29 (2) Subsection (1) of this section shall not be deemed to prohibit
30 the sale or purchase of securities as a condition to or in connection
31 with surety insurance insuring the performance of an obligation as part
32 of a plan of financing found by the commissioner to be designed and
33 operated in good faith primarily for the purpose of such financing, nor
34 shall it be deemed to prohibit the sale of redeemable securities of a
35 registered investment company in the same transaction in which life
36 insurance is sold.

1 (3)(a) Subsection (1) of this section shall not be deemed to
2 prohibit a health carrier or disability insurer from including as part
3 of a group or individual health benefit plan or contract providing
4 health benefits, a wellness program which meets the requirements for an
5 exception from the prohibition against discrimination based on a health
6 factor under the health insurance portability and accountability act
7 (P.L. 104-191; 110 Stat. 1936) and regulations adopted pursuant to that
8 act.

9 (b) For purposes of this subsection: (i) "Health carrier" and
10 "health benefit plan" have the same meaning as provided in RCW
11 48.43.005; and (ii) "wellness program" has the same meaning as provided
12 in 45 CFR 146.121(f).

13 NEW SECTION. Sec. 3. A new section is added to chapter 48.43 RCW
14 to read as follows:

15 Upon the renewal date of an individual or group health benefit plan
16 or contract containing health benefits, the modification of a wellness
17 program, as defined in 45 CFR 146.121(f), included in such a plan or
18 contract shall not be considered a cancellation or nonrenewal of such
19 plan or contract."

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20 On page 1, line 1 of the title, after "incentives;" strike the
21 remainder of the title and insert "amending RCW 48.30.140 and
22 48.30.150; and adding a new section to chapter 48.43 RCW."

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