

MAINE STATE LEGISLATURE

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115th MAINE LEGISLATURE

FIRST REGULAR SESSION-1991

Legislative Document

No. 925

H.P. 651

House of Representatives, March 1, 1991

Reference to the Committee on Banking and Insurance suggested and ordered printed.

A handwritten signature in cursive script that reads "Ed Pert".

EDWIN H. PERT, Clerk

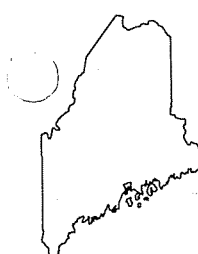
Presented by Representative NUTTING of Leeds.

Cosponsored by Representative RYDELL of Brunswick, Representative DUPLESSIS of Old Town and Representative MITCHELL of Vassalboro.

STATE OF MAINE

IN THE YEAR OF OUR LORD
NINETEEN HUNDRED AND NINETY-ONE

**An Act to Ensure that Health Care Insurance Policies Offer Discounts to
Nonsmoking Consumers.**



Be it enacted by the People of the State of Maine as follows:

2
4 Sec. 1. 24 MRSA §§2320-B and 2320-C are enacted to read:

6 **§2320-B. Discounts to nonsmokers**

8 Every nonprofit hospital and medical service organization that issues group and individual health care contracts shall reduce the rates for nonsmokers.

10 1. Individual policies. An individual policy must be offered to a nonsmoker at a discount of 20% from the normal rate.

12 2. Group policies. A group policy must divide the contracts into smokers and nonsmokers contracts and must offer in all contracts issued to nonsmokers a discount of 15% from the normal rate.

14 3. Exceptions. A nonsmokers discount is not available to any policy or contract holder if the insured or a dependent covered under the contract or policy smokes or tests positively for smoking on a test administered by the insurer and approved by the superintendent.

16 **§2320-C. Smoking cessation benefits**

18 Every nonprofit hospital and medical service organization health care contract must provide coverage for smoking cessation services furnished by providers that meet the standards established the Department of Human Services, Bureau of Health.

20 Sec. 2. 24-A MRSA §§2745-B and 2745-C are enacted to read:

22 **§2745-B. Discounts to nonsmokers**

24 Every insurer that issues or issues for delivery in this State individual health policies shall reduce the rates for nonsmokers.

26 1. Individual policies. An individual policy must be offered to a nonsmoker at a discount of 20% from the normal rate.

28 2. Exceptions. A nonsmokers discount is not available to any policy holder if the insured or a dependent covered under the policy smokes or tests positively for smoking on a test administered by the insurer and approved by the superintendent.

30 **§2745-C. Smoking cessation benefits**

32 Every insurer that issues or that issues for delivery in this State individual health policies must provide coverage for smoking cessation services furnished by providers that meet the

standards established by the Department of Human Services, Bureau
of Health.

Sec. 3. 24-A MRSA §§2837-B and 2837-C are enacted to read:

§2837-B. Discounts to nonsmokers

Every insurer that issues or issues for delivery in this State group or blanket health insurance policies or plans shall reduce the rates for nonsmokers.

1. Group policies and plans. A group policy or plan must divide the contracts into smokers and nonsmokers contracts and must offer in all contracts issued to nonsmokers a discount of 15% from the normal rate.

2. Exceptions. A nonsmokers discount is not available to any contract holder if the insured or a dependent covered under the contract smokes or tests positively for smoking on a test administered by the insurer and approved by the superintendent.

§2837-C. Smoking cessation services

Every insurer that issues or issues for delivery in this State group or blanket health insurance policies or plans, must provide coverage for smoking cessation services furnished by providers that meet the standards established by the Department of Human Services, Bureau of Health.

Sec. 4. Application. This Act takes effect for all policies and contracts executed, delivered and issued for delivery, continued or renewed in this State on or after January 1, 1992. For purposes of this section, all policies and contracts are deemed to be renewed no later than the next yearly anniversary of the policy or contract date.

STATEMENT OF FACT

This bill requires nonprofit hospital and medical service organizations and health insurers to offer nonsmokers discounts in their individual and group policies. Individual nonsmokers policy holders pay 20% less than smokers. In a group policy nonsmokers pay 15% less than smokers. Some insurers already offer nonsmokers discounts. The bill will require that this fair business practice be adopted by all health insurers.

This bill allows the insurer to administer a smoking test approved by the Superintendent of Insurance and disqualifies for the discount all contracts and policies in which the insured or a dependent of the insured smokes or tests positively for smoking.

The bill requires that health insurance provide benefits for
2 smoking cessation services that meet standards established by the
Department of Human Services.