

# MAINE STATE LEGISLATURE

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# 123rd MAINE LEGISLATURE

## FIRST REGULAR SESSION-2007

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Legislative Document

No. 1640

H.P. 1149

House of Representatives, March 22, 2007

### **An Act To Allow Health Insurance Premiums To Vary Based on Behaviors Pertaining to Health**

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Reference to the Committee on Insurance and Financial Services suggested and ordered printed.

*Millicent M. MacFarland*  
MILLICENT M. MacFARLAND  
Clerk

Presented by Representative WOODBURY of Yarmouth.

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

2 **Sec. 1. 24-A MRSA §2762** is enacted to read:

3 **§2762. Health behaviors**

4 **1. Premium adjustment.** An insurer may increase a premium on an individual  
5 health policy by an amount not to exceed 25% of the baseline premium if an insured  
6 exhibits adverse health-related behaviors listed in subsection 2.

7 **2. Adverse health-related behaviors.** An insurer may increase a premium under  
8 subsection 1 if an insured exhibits one of the following adverse health-related behaviors:

9 A. Smoking;

10 B. Failure to adhere to a regular fitness regimen appropriate to the insured and  
11 approved by a physician;

12 C. Failure to adhere to a physician-prescribed medication regimen; and

13 D. Abuse of alcohol, including but not limited to a conviction of operating under the  
14 influence under Title 29-A, section 2411 within the prior 3 years before assessing the  
15 premium.

16 **Sec. 2. 24-A MRSA §2847-M** is enacted to read:

17 **§2847-M. Health behaviors**

18 **1. Premium adjustment.** An insurer may increase a premium on a group policy,  
19 contract or certificate by an amount not to exceed 25% of the baseline premium if an  
20 insured exhibits adverse health-related behaviors listed in subsection 2.

21 **2. Adverse health-related behaviors.** An insurer may increase a premium under  
22 subsection 1 if an insured exhibits one of the following adverse health-related behaviors:

23 A. Smoking;

24 B. Failure to adhere to a regular fitness regimen appropriate to the insured and  
25 approved by a physician;

26 C. Failure to adhere to a physician-prescribed medication regimen; and

27 D. Abuse of alcohol, including but not limited to a conviction of operating under the  
28 influence under Title 29-A, section 2411 within the prior 3 years before assessing the  
29 premium.

30

**SUMMARY**

31 This bill allows insurers to increase the premiums of individual health policies and  
32 group policies based upon adverse health-related behaviors of the insured, including  
33 smoking, not exercising, not taking prescribed medication and abusing alcohol.