

ASSEMBLY BILL 699 (LRB -3992)

An Act to create 628.34 (13) of the statutes; relating to: exempting wellness programs from unfair trade or marketing practices. (FE)

2010

02-03. A. Introduced by Representatives **Zigmunt, Barca, Benedict, Cullen, Jorgensen, Kaufert, Molepske Jr., Montgomery, Nygren, Pasch, Ripp, Roys, Shilling, Sinicki, Soletski, Turner, Van Roy, Vos, Vruwink and Zepnick**; cosponsored by Senators **Sullivan, Cowles, Darling, Hansen, Lazich, Schultz, Taylor and Wirch.**

02-03. A. Read first time and referred to committee on Insurance 627

02-11. A. Public hearing held.

02-18. A. Fiscal estimate received.

03-11. A. Executive action taken.

03-17. A. Report passage recommended by committee on Insurance, Ayes 10, Noes 0 758

03-17. A. Referred to committee on Rules 758

04-07. A. Placed on calendar 4-13-2010 by committee on Rules.

04-12. A. Representative Ballweg added as a coauthor 805

04-13. A. Read a second time 814

04-13. A. Ordered to a third reading 814

04-13. A. Rules suspended 814

04-13. A. Read a third time and **passed** 814

04-13. A. Ordered immediately messaged 814

04-14. S. Received from Assembly.

04-14. S. Read first time and referred to committee on Health, Health Insurance, Privacy, Property Tax Relief, and Revenue.

04-15. S. Rules suspended to withdraw from committee on Health, Health Insurance, Privacy, Property Tax Relief, and Revenue and take up.

04-15. S. Read a second time.

04-15. S. Ordered to a third reading.

04-15. S. Rules suspended.

04-15. S. Read a third time and **concurred in.**

04-15. S. Ordered immediately messaged.

04-15. A. Received from Senate concurred in.

SB

2009
ENROLLED BILL

09en A B-699

ADOPTED DOCUMENTS:

Orig **Engr** **SubAmdt**

09 - 3992 / 1

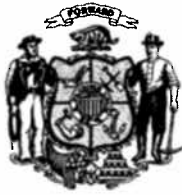
Amendments to above (if none, write "NONE"): None

Corrections - show date (if none, write "NONE"): None

Topic Rel

4-16-10
Date

J. Miller
Enrolling Drafter



2009 ASSEMBLY BILL 699

February 3, 2010 - Introduced by Representatives ZIGMUNT, BARCA, BENEDICT, CULLEN, JORGENSEN, KAUFERT, MOLEPSKE JR., MONTGOMERY, NYGREN, PASCH, RIPP, ROYS, SHILLING, SINICKI, SOLETSKI, TURNER, VAN ROY, VOS, VRUWINK and ZEPNICK, cosponsored by Senators SULLIVAN, COWLES, DARLING, HANSEN, LAZICH, SCHULTZ, TAYLOR and WIRCH. Referred to Committee on Insurance.

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

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

