ADOPTED

Senator Walker of the 20th offered the following amendment 1:

Amend the Senate Committee on Insurance and Labor substitute to HB 294 (LC 52 0302S) by striking "Article 3 of Chapter 37 of" *on lines 1 and 12 and by replacing* "procedure for rehabilitation," *with* "insurance," *on lines 2 and 13.*

*By inserting after "*provide" *on line 2 the following:*

for additional value-added products or services that are excluded from being unfair trade practices and unlawful inducements in insurance; to allow an insurer or insurance producer to offer or provide a value-added product or service that enhances the health or financial wellness of a customer, incentivizes behavioral changes of a customer, or assists in the administration of employee or retiree benefit insurance coverage; to provide for

By inserting between lines 11 and 12 following:

"33-24-59.31.

(a) For purposes of this Code section, the term 'customer' means a policyholder, potential policyholder, certificate holder, potential certificate holder, insured, potential insured, or applicant.

(b) The following shall not be construed as an unfair trade practice under subsection (b) of Code Section 33-6-4 or an unlawful inducement under subsection (c) of Code Section 33-9-36:

(1) An insurer or insurance producer, by or through employees, affiliates, or third-party representatives, may offer or provide a value-added product or service to a customer at

no or reduced cost when such product or service is not specified in the policy of insurance when:

(A) The value-added product or service relates to the insurance coverage;

(B) The value-added product or service is offered in a manner that is not unfairly discriminatory, and the availability of the value-added product or service is based on documented objective criteria that is maintained by the insurer or insurance producer and produced upon request by the Commissioner;

(C) The cost to the insurer or insurance producer for offering or providing the value-added product or service is reasonable in comparison to the premiums or insurance coverage for the policy class; and

(D) The value-added product or service is primarily designed to:

(i) Provide loss mitigation or loss control;

(ii) Reduce claim costs or claim settlement costs;

(iii) Provide education about liability risks or risk of loss to persons or property;

(iv) Monitor or assess risk, identify sources of risk, or develop strategies for eliminating or reducing risk;

(v) Enhance the health of a customer;

(vi) Enhance the financial wellness of a customer through items such as education or financial planning services;

~~(v)~~(vii) Provide post-loss services; ~~or~~

~~(vi)~~(viii) Incentivize ~~Encourage~~ behavioral changes to improve the health or reduce the risk of death or disability of a customer ~~or potential customer that is a policyholder, potential policyholder, certificate holder, potential certificate holder, insured, potential insured or applicant~~; or

(ix) Assist in the administration of employee or retiree benefit insurance coverage; and

(2) When an insurer or insurance producer does not have sufficient evidence but has a good-faith belief that the value-added product or service meets the criteria in subparagraph (D) of paragraph (1) of this Code section, the insurer or insurance producer may offer or provide a value-added product or service in a manner that is not unfairly discriminatory as part of a pilot program for no more than ~~a~~ one year. An insurer or insurance producer must notify the Commissioner prior to implementing the pilot program and may proceed with such program unless the Commissioner objects in writing within 21 days of notice.″

SECTION 2.

By redesignating Sections 2 and 3 as Sections 3 and 4, respectively.