

**2022 State Rebating Legislative Tracker**

**INTRODUCTION**

Below you will find brief summaries of active state legislation relating to rebating. All legislation has been introduced, all further action taken has been noted.

**QUICK LINKS BY STATE**

<a href="#">Arizona</a>	<a href="#">New Hampshire</a>
<a href="#">Connecticut</a>	<a href="#">New Mexico</a>
<a href="#">Hawaii</a>	<a href="#">New York</a>
<a href="#">Massachusetts</a>	<a href="#">North Dakota</a>
<a href="#">Nebraska</a>	<a href="#">Rhode Island</a>
	<a href="#">Texas</a>

**NEWLY INCLUDED UPDATES**

The below are newly introduced rebating bills. We will continue to monitor for relevant updates and will provide further analysis if enacted.

- Rhode Island introduced [H 7752](#) on April 5, 2022, clarifying the state’s legal definition of rebating and in what specific circumstances the prohibition would not apply.
- New Hampshire favorably reported on [HB 1559](#) on March 31, 2022, amending the state’s rebating prohibition in specific circumstances.
- Nebraska placed [LB 863](#) on final reading on March 30, 2022, amending the state’s rebating prohibition to mirror the NAIC model law and additional exclusions.
- New Mexico enacted [HB 191](#) on March 3, 2022, defining accepting rebates as a violation punishable by loss of license.

\* We envision this survey to be an evergreen document. As updates are put forth, we will revise the document and provide a brief overview of the relevant changes in this top box in ***bold and italicized blue text***.

State Rebating Legislation				
State	Bill	Status	Last Action	Summary
Arizona	<a href="#">HB 2795</a>	Enacted	Apr. 1, 2021	Extends certain anti-rebating provisions to disability insurers and service corporations (as currently applied to life insurers)
Connecticut	<a href="#">SB 844</a>	Failed	May 4, 2021	<b><u>Similar to NAIC Model</u></b>
Hawaii	<a href="#">SB 1096</a> <a href="#">HB 942</a>	Enacted	June 29, 2021	Amends the state's anti-rebating rule to permit rewards under wellness programs
Massachusetts	<a href="#">HD 2413</a> <a href="#">HB 1141</a>	Referred to Committee	Aug. 24, 2021	<b><u>Similar to NAIC Model</u></b>
Nebraska	<a href="#">LB 863</a>	<i>Placed on Final Reading</i>	<i>Mar. 30, 2022</i>	<b><u>Similar to NAIC Model</u></b> <i>Also amends the state's anti-rebating law to exclude</i> <i>(1) offering interest-free credit on life and liability insurance premiums or crop hail insurance premiums.</i> <i>(2) payments made pursuant to the Nebraska Right to Shop Act</i> <i>(3) value added services at no or reduced cost if related to insurance and designed to satisfy specified goals, including providing loss mitigation, reducing claim costs, and enhancing health</i>
New Hampshire	<a href="#">HB 518</a>	Enacted	Aug. 3, 2021	Amends the state's anti-rebating rule to permit the rebate of all/part of a producer's commission on the sale of insurance <b>to an employee of the producer</b>
	<a href="#">HB 1559</a>	<i>Favorably Reported by Committees of both Bodies</i>	<i>Mar. 31, 2022</i>	<i>Amends the state's anti-rebating rule to permit the payment or assignment of all or a part of a producer's commission in limited circumstances that promote the public interest, as determined by the Commissioner.</i>
New Mexico	<a href="#">HB 235</a>	Enacted	Apr. 6, 2021	<b><u>Similar to NAIC Model</u></b>
	<a href="#">HB 191</a>	<i>Enacted</i>	<i>Mar. 3, 2022</i>	<i>Lists accepting rebates or commissions for referring clients to other professionals as grounds for revocation or suspension of license.</i>
New York	<a href="#">S 4058</a>	Referred to Committee	Jan. 5, 2022	Expands exceptions to anti-rebating rules for life, accident, and health agents/brokers to include the following services, if provided in a fair/nondiscriminatory manner and incidental to a group or blanket policy: (1) risk assessments (2) insurance consulting services (3) insurance-related legislative/regulatory updates (4) certain claims assistance services (5) tax preparations (6) information to group policy holders for plan administration, enrollment, etc. (7) certain services performed pursuant to COBRA (8) certain services provided in accordance with HIPAA (e.g., access, portability, renewability, etc.)

	<a href="#">A 4329</a> <a href="#">S 3573</a>	Referred to Committee	Jan. 5, 2022	Amends various provisions of the state's anti-rebating rules for accident and health insurers to permit them to offer incentive/reward programs to support wellness, primary and preventative care, population health, care coordination, case management, disease management, etc., subject to an aggregate limit of \$600 per insured per calendar year, among other things
	<a href="#">S 3771</a> <a href="#">A 3564</a>	Referred to Committee	Jan. 5, 2022	Amends the state's anti-rebating rules to provide that <u>any services</u> provided by life, accident and health insurers and producers are <u>not</u> considered an inducement or rebate when the offer/sale of such services does not constitute the "sole reason for the purchase" of such policy, <u>unless</u> the Superintendent determines (after notice and hearing) that, but for the offer of such service, the purchase of the policy would not have taken place
	<a href="#">A 1687</a> <a href="#">S 504</a>	Referred to Committee	Jan. 5, 2022	Amends the state's anti-rebating rule to allow insurers to offer a loss prevention program that promotes and incentivizes safe driving behavior with points-based rewards, as long as participation in such program is offered both to members of the general public and the insurer's policyholders
<b>North Dakota</b>	<a href="#">SB 2072</a>	Enacted	Mar. 31, 2021	<b><u>Similar to NAIC Model</u></b>
<b>Rhode Island</b>	<a href="#">H 7752</a>	<i>Referred to Committee</i>	<i>Apr. 5, 2022</i>	<b><u>Similar to NAIC Model</u></b>
<b>Texas</b>	<a href="#">HB 3964</a>	Failed	May 17, 2021	Clarifies that existing state laws governing discrimination, prohibited inducements, promotional practices, etc. must <u>not</u> be construed as: (1) permitting an unfair method of competition or a deceptive act/practice; <u>or</u> (2) prohibiting an insurer/their agent from giving (for free or at a discount) services or other offerings that relate to loss control