

**§3157. Wellness programs**

**1. Marketing.** An insurer or insurance producer may not:

A. Market a wellness program as pet insurance; or [PL 2021, c. 562, §1 (NEW).]

B. Market a wellness program during the sale, solicitation or negotiation of pet insurance. [PL 2021, c. 562, §1 (NEW).]

[PL 2021, c. 562, §1 (NEW).]

**2. Sale of wellness program.** If a wellness program is sold by an insurer or insurance producer, the following requirements apply:

A. The purchase of a wellness program may not be a requirement of the purchase of pet insurance; [PL 2021, c. 562, §1 (NEW).]

B. The costs of a wellness program must be separate and identifiable from any pet insurance policy sold by an insurer or insurance producer; [PL 2021, c. 562, §1 (NEW).]

C. The terms and conditions for a wellness program must be separate from any pet insurance policy sold by an insurer or insurance producer; [PL 2021, c. 562, §1 (NEW).]

D. The products or coverages available through a wellness program may not duplicate products or coverages available through the pet insurance policy; and [PL 2021, c. 562, §1 (NEW).]

E. The advertising of a wellness program may not be misleading and must differentiate the wellness program from pet insurance. [PL 2021, c. 562, §1 (NEW).]

[PL 2021, c. 562, §1 (NEW).]

**3. Disclosure.** An insurer or insurance producer shall clearly disclose the following to consumers of wellness program products, printed in 12-point boldface type:

A. That wellness programs are not insurance; [PL 2021, c. 562, §1 (NEW).]

B. The bureau's mailing address and toll-free telephone number and a link to the bureau's publicly accessible website; and [PL 2021, c. 562, §1 (NEW).]

C. The address and customer service telephone number of the insurer or the producer of record. [PL 2021, c. 562, §1 (NEW).]

[PL 2021, c. 562, §1 (NEW).]

**4. Wellness benefits.** Any coverages included in a pet insurance policy contract described as "wellness benefits" are considered insurance. If a wellness program undertakes to indemnify another party, pays a specified amount upon determinable contingencies or provides coverage for a fortuitous event, it is transacting the business of insurance and is subject to the requirements of this Title, except that a contract directly between a service provider and a pet owner that involves only those 2 parties is not transacting the business of insurance unless other indications of insurance also exist.

[PL 2021, c. 562, §1 (NEW).]

**SECTION HISTORY**

PL 2021, c. 562, §1 (NEW).

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