

- 3. PREVENT COMPLICATIONS FROM MEDICAL CONDITIONS; OR
- 4. PROMOTE HEALTHY BEHAVIORS AND LIFESTYLE CHOICES.

(III) "CARRIER" MEANS:

- 1. AN INSURER;
- 2. A NONPROFIT HEALTH SERVICE PLAN; ~~OR~~
- 3. A HEALTH MAINTENANCE ORGANIZATION; OR
- 4. A DENTAL PLAN ORGANIZATION.

(2) IT IS NOT DISCRIMINATION OR A REBATE FOR A CARRIER TO PROVIDE REASONABLE INCENTIVES TO AN INDIVIDUAL WHO IS AN INSURED, A SUBSCRIBER, OR A MEMBER FOR PARTICIPATION IN A BONA FIDE WELLNESS PROGRAM OFFERED BY THE CARRIER IF:

(I) THE CARRIER DOES NOT MAKE PARTICIPATION IN THE BONA FIDE WELLNESS PROGRAM A CONDITION OF COVERAGE UNDER A POLICY OR CONTRACT;

(II) PARTICIPATION IN THE BONA FIDE WELLNESS PROGRAM IS VOLUNTARY AND A PENALTY IS NOT IMPOSED ON AN INSURED, SUBSCRIBER, OR MEMBER FOR NONPARTICIPATION;

(III) AN INSURED, SUBSCRIBER, OR MEMBER IS NOT REQUIRED TO ACHIEVE ANY SPECIFIC OUTCOME IN ORDER TO RECEIVE AN INCENTIVE FOR PARTICIPATION IN THE BONA FIDE WELLNESS PROGRAM; AND

(IV) THE CARRIER DOES NOT MARKET THE BONA FIDE WELLNESS PROGRAM IN A MANNER THAT REASONABLY COULD BE CONSTRUED TO HAVE AS ITS PRIMARY PURPOSE THE PROVISION OF AN INCENTIVE OR INDUCEMENT TO PURCHASE COVERAGE FROM THE CARRIER.

(3) ANY INCENTIVE OFFERED FOR PARTICIPATION IN A BONA FIDE WELLNESS PROGRAM:

(I) SHALL BE REASONABLY RELATED TO THE BONA FIDE WELLNESS PROGRAM; AND