

116TH CONGRESS
1ST SESSION

H. R. 1832

To establish minimum standards relating to a factor for life insurance eligibility and rates, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

MARCH 18, 2019

Mr. PAPPAS (for himself, Mr. KING of New York, Mr. TRONE, Mr. ROSE of New York, Ms. DEAN, Ms. SPEIER, and Mr. COX of California) introduced the following bill; which was referred to the Committee on Financial Services

A BILL

To establish minimum standards relating to a factor for life insurance eligibility and rates, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Insurance Fairness
5 for First Responders Act of 2019”.

6 **SEC. 2. FAIRNESS FOR LIFE INSURANCE PURCHASERS.**

7 Title V of the Dodd-Frank Wall Street Reform and
8 Consumer Protection Act (15 U.S.C. 8201 et seq.) is
9 amended by adding at the end the following new subtitle:

1 **“Subtitle C—Fairness for Life**
2 **Insurance Purchasers**

3 **“SEC. 551. PROHIBITION AGAINST DISCRIMINATION IN LIFE**
4 **INSURANCE POLICIES BASED ON POSSES-**
5 **SION OF NALOXONE.**

6 “(a) IN GENERAL.—It shall be unlawful for any in-
7 surer to deny any person life insurance, or to otherwise
8 discriminate in the issuance, cancellation, amount of cov-
9 erage, or conditions of life insurance, based upon the law-
10 ful possession by such person of naloxone pursuant to a
11 standing order for the dispensing of naloxone to a health
12 care professional or first responder issued by an agency
13 of a State or unit of general local government.

14 “(b) INSURANCE RATES.—It shall be unlawful for
15 any insurer to charge rates for life insurance which are
16 excessive or unfairly discriminatory in relation to the actu-
17 arial risk associated with the lawful possession by such
18 person of naloxone pursuant to a standing order for the
19 dispensing of naloxone to a health care professional or
20 first responder issued by an agency of a State or unit of
21 general local government.

22 **“SEC. 552. ADMINISTRATIVE ENFORCEMENT.**

23 “(a) STATE ENFORCEMENT.—In addition to such
24 other remedies as are provided under State law, the chief
25 law enforcement officer of a State, or an official or agency

1 designated by a State, may bring an action to enjoin any
2 person who has violated or is violating this subtitle.

3 “(b) ENFORCEMENT BY SECRETARY.—The Secretary
4 of the Treasury shall enforce this subtitle in any State
5 that the Secretary determines does not have a comparable
6 State law or a law that the Secretary has determined is
7 not inconsistent under section 553.

8 **“SEC. 553. EFFECT ON STATE LAWS.**

9 “(a) IN GENERAL.—This subtitle does not annul,
10 alter, or affect, or exempt any insurer subject to the provi-
11 sions of this subtitle from complying with the laws of any
12 State with respect to the use of lawful possession by such
13 person of naloxone pursuant to a standing order for the
14 dispensing of naloxone to a health care professional or
15 first responder issued by an agency of a State or unit of
16 general local government for the purposes of underwriting
17 or rating life insurance except to the extent that such laws
18 are inconsistent with any provision of this subtitle and
19 then only to the extent of the inconsistency. The Secretary
20 may determine whether such inconsistencies exist. The
21 Secretary may not determine that any State law is incon-
22 sistent with any provision of this subtitle if the Secretary
23 determines that such law gives greater protection to the
24 insured.

1 “(b) STATE EXEMPTIONS.—The Secretary shall, by
2 regulation, exempt from the requirements of this subtitle
3 any class of insurance transactions within any State if the
4 Secretary determines that under the law of that State that
5 class of transaction is subject to requirements substan-
6 tially similar to those imposed under this subtitle or that
7 such law gives greater protection to the consumer, and
8 that there is adequate provision for enforcement.

9 **“SEC. 554. DEFINITIONS.**

10 “For purposes of this subtitle, the following defini-
11 tions shall apply:

12 “(1) FIRST RESPONDER.—The term ‘first re-
13 sponder’ means an individual serving a Federal,
14 State, or local governmental or nongovernmental
15 agency in an official capacity, with or without com-
16 pensation, as a law enforcement or public safety offi-
17 cer, firefighter, emergency rescue or response team
18 member, emergency medical service provider or
19 paramedic, or rescue squad or ambulance crew mem-
20 ber.

21 “(2) HEALTH CARE PROFESSIONAL.—The term
22 ‘health care professional’ means, with respect to the
23 provision of health care items and services in a
24 State, an individual who is licensed or otherwise le-

1 gally authorized to provide such items and services
2 in such State.

3 “(3) INSURER.—The term ‘insurer’ means any
4 entity, including any affiliate thereof, that is licensed
5 or admitted to engage in the business of providing
6 life insurance in any State.

7 “(4) INSURED.—The term ‘insured’ means any
8 natural person who purchases, or attempts to pur-
9 chase, life insurance.

10 “(5) LIFE INSURANCE.—

11 “(A) IN GENERAL.—The term ‘life insur-
12 ance’ means insurance for which the prob-
13 abilities of the duration of human life or the
14 rate of mortality are an element or condition of
15 insurance.

16 “(B) INCLUDED INSURANCE.—Such term
17 includes the granting of—

18 “(i) endowment benefits;

19 “(ii) additional benefits in the event of
20 death by accident or accidental means;

21 “(iii) disability income benefits;

22 “(iv) additional disability benefits that
23 operate to safeguard the contract from
24 lapse or to provide a special surrender

1 value, or special benefit in the event of
 2 total and permanent disability;

3 “(v) benefits that provide payment or
 4 reimbursement for long-term home health
 5 care, or long-term care in a nursing home
 6 or other related facility;

7 “(vi) burial insurance; and

8 “(vii) optional modes of settlement of
 9 proceeds of life insurance.

10 “(C) EXCLUSIONS.—Such term does not
 11 include property and casualty insurance, health
 12 insurance or workers compensation insurance.

13 “(6) SECRETARY.—The term ‘Secretary’ means
 14 the Secretary of the Treasury.

15 **“SEC. 555. REGULATIONS.**

16 “The Secretary shall issue regulations to carry out
 17 the purposes of this subtitle.

18 **“SEC. 556. APPLICABILITY.**

19 “This subtitle shall apply to any policy for life insur-
 20 ance coverage issued, renewed, altered, or modified or can-
 21 celed after the expiration of the 6-month period beginning
 22 on the date of the enactment of this subtitle.”.

23 **SEC. 3. TIMING OF REGULATIONS.**

24 The Secretary of the Treasury shall issue the regula-
 25 tions required by section 555 of the Dodd-Frank Wall

1 Street Reform and Consumer Protection Act, as added by
2 section 2 of this Act, not later than the expiration of the
3 6-month period beginning on the date of the enactment
4 of this Act.

5 **SEC. 4. CLERICAL AMENDMENT.**

6 The table of contents in section 1(b) of the Dodd-
7 Frank Wall Street Reform and Consumer Protection Act
8 (12 U.S.C. 5301 note) is amended by adding at the end
9 the following new items:

“Subtitle C—Fairness for Life Insurance Purchasers

“Sec. 551. Prohibition against discrimination in life insurance policies based on
possession of naloxone.

“Sec. 552. Administrative enforcement.

“Sec. 553. Effect on State laws.

“Sec. 554. Definitions.

“Sec. 555. Regulations.

“Sec. 556. Applicability.”.

