

**House File 490 - Introduced**

HOUSE FILE 490

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**A BILL FOR**

1 An Act prohibiting the use of gender in determining premium  
2 rates or assessments for certain insurance policies, and  
3 including penalties and applicability dates.  
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 507B.4, subsection 3, paragraph g, Code  
2 2017, is amended by adding the following new subparagraph:

3 NEW SUBPARAGRAPH. (4) Notwithstanding subparagraph (1),  
4 determining premium rates or assessments, in whole or in part,  
5 for any contract of life insurance or health care coverage  
6 according to an insured's gender.

7 Sec. 2. Section 509.2, Code 2017, is amended by adding the  
8 following new subsection:

9 NEW SUBSECTION. 4A. A provision specifying that premium  
10 rates shall not be determined, in whole or in part, according  
11 to the individual insured's or enrollee's gender.

12 Sec. 3. Section 509.3, Code 2017, is amended by adding the  
13 following new subsection:

14 NEW SUBSECTION. 3. In addition to the provisions required  
15 in subsection 1, the commissioner shall require provisions  
16 through the adoption of rules specifying that premium rates for  
17 coverage under a policy of group accident or health insurance  
18 or a combination thereof issued in this state shall not be  
19 determined, in whole or in part, according to an insured's or  
20 enrollee's gender.

21 Sec. 4. Section 509A.3, Code 2017, is amended to read as  
22 follows:

23 **509A.3 Assessment of employees.**

24 1. All employees participating in any such plan the fund of  
25 which is created under the provisions of [section 509A.2](#) shall  
26 be assessed and required to pay an amount to be fixed by the  
27 governing body not to exceed the two percent which shall be  
28 contributed by the public body according to the plan adopted,  
29 and the amount so assessed shall be deducted and retained out  
30 of the wages or salaries of such employees.

31 2. Any employee may authorize deductions from the  
32 employee's wages or salary in payment for plans authorized in  
33 this chapter in the manner provided in [section 514.16](#).

34 3. Assessments for participation in a plan created pursuant  
35 to this chapter shall not be determined, in whole or in part,

1 according to an employee's gender.

2 Sec. 5. Section 514A.2, Code 2017, is amended by adding the  
3 following new subsection:

4 NEW SUBSECTION. 1A. Premium rates for a policy of accident  
5 and sickness insurance delivered or issued for delivery to any  
6 person in this state shall not be determined, in whole or in  
7 part, according to the person's gender.

8 Sec. 6. APPLICABILITY. This Act applies to premium rates or  
9 assessments for insurance or health care coverage determined in  
10 this state pursuant to Code chapter 509, 509A, or 514A, on or  
11 after January 1, 2018.

12 EXPLANATION

13 The inclusion of this explanation does not constitute agreement with  
14 the explanation's substance by the members of the general assembly.

15 This bill provides that premium rates or assessments for  
16 individual or group life insurance, group accident or health  
17 insurance, group health insurance for public employees,  
18 and individual accident and health insurance shall not be  
19 determined, in whole or in part, according to the individual  
20 insured's or enrollee's gender.

21 The bill also provides that making such a determination  
22 based on gender constitutes unfair discrimination and is an  
23 unfair act or practice in the business of insurance under Code  
24 chapter 507B. A violation of this provision is subject to a  
25 civil penalty of not more than \$1,000 for each unknowing act or  
26 violation or an aggregate of not to exceed \$10,000, or not more  
27 than \$5,000 for each knowing act or violation or an aggregate  
28 not to exceed \$50,000, in any one six-month period.

29 The provisions of the bill are applicable to premium rates or  
30 assessments for insurance or health care coverage determined in  
31 this state pursuant to Code chapter 509, 509A, or 514A, on or  
32 after January 1, 2018.