

28 None

29 **Other Special Clauses:**

30 None

31 **Utah Code Sections Affected:**

32 AMENDS:

33 **31A-8a-102**, as last amended by Laws of Utah 2008, Chapter 3

34 **31A-8a-103**, as enacted by Laws of Utah 2005, Chapter 58

35 **31A-8a-201**, as last amended by Laws of Utah 2011, Chapter 297

36 **31A-8a-202**, as enacted by Laws of Utah 2005, Chapter 58

37 **31A-8a-205**, as last amended by Laws of Utah 2011, Chapter 297

38 ENACTS:

39 **31A-8a-202.5**, Utah Code Annotated 1953

40 **31A-8a-205.5**, Utah Code Annotated 1953



42 *Be it enacted by the Legislature of the state of Utah:*

43 Section 1. Section **31A-8a-102** is amended to read:

44 **31A-8a-102. Definitions.**

45 For purposes of this chapter:

46 (1) "Fee" means any periodic charge for use of a discount program.

47 (2) "Health care provider" means a health care provider as defined in Section

48 78B-3-403 who:

49 (a) is practicing within the scope of the provider's license; and

50 (b) has agreed either directly or indirectly, by contract or any other arrangement with a  
51 health discount program operator, to provide a discount to enrollees of a health discount  
52 program.

53 (3) (a) "Health discount program" means a business arrangement or contract in which a  
54 person pays fees, dues, charges, or other consideration in exchange for a program that provides  
55 access to health care providers who agree to provide a discount for health care services.

56 (b) "Health discount program" does not include a program that does not charge a  
57 membership fee or require other consideration ~~H~~→ from the member ←~~H~~ to use the program's  
57a discounts for health  
58 services.

59 (4) "Health discount program marketer" means a person, including a private label  
 60 entity, that markets, promotes, sells, or distributes a health discount program but does not  
 61 operate a health discount program.

62 (5) "Health discount program operator" means a person that ~~H→~~ [operates] provides ~~←H~~  
 62a a health discount  
 63 program ~~H→~~ [:

64 ~~—— [(4)] (6) "Operates a health discount program" [or "health discount program operator"]~~  
 65 ~~means to[:] provide a health discount program by entering into a contract or agreement, either~~  
 66 ~~directly or indirectly, with a person in the state that agrees to provide discounts to enrolles of~~  
 67 ~~the health discount program] by entering into a contract or agreement, directly or indirectly,~~  
 67a ~~with a person or persons in this state who agree to provide discounts for health care services to~~  
 67b ~~enrollees of the health discount program ~~←H~~ .~~

68 ~~[(a) enter into a contract or agreement either directly or indirectly with a health care~~  
 69 ~~provider in this state which the health care provider agrees to provide discounts to enrollees of~~  
 70 ~~the health discount program;]~~

71 ~~[(b) enter into a contract or agreement either directly or indirectly with a person in this~~  
 72 ~~state to provide access to more than one health care provider who has agreed to provide~~  
 73 ~~discounts for medical services to enrollees of the health discount program;]~~

74 ~~[(c) sell or distribute a health discount program in this state; or]~~

75 ~~[(d) place your name on and market or promote a health discount program in this state.]~~

76 ~~[(5)] (7) "Value-added benefit" means a discount offering with no additional charge~~  
 77 ~~made by a health insurer or health maintenance organization that is licensed under this title, in~~  
 78 ~~connection with existing contracts with the health insurer or health maintenance organization.~~

79 Section 2. Section **31A-8a-103** is amended to read:

80 **31A-8a-103. Scope and purposes.**

81 (1) A person shall comply with the provisions of this chapter if the person operates a  
 82 health discount program in this state.

83 (2) Notwithstanding any provision in this title, a person who only operates or markets a  
 84 health discount program is exempt from:

85 (a) Section 31A-4-113;

86 (b) Section 31A-4-113.5;

87 (c) Chapter 6a, Service Contracts;

88 (d) Chapter 7, Nonprofit Health Service Insurance Corporations;

89 (e) Section 31A-8-209;