

**31A-8a-204 Advertising restrictions and requirements.**

- (1) An operator of a health discount program may not:
  - (a) use any form of words or terms that may confuse health discount programs with other types of health insurance in advertising or marketing such as "health plan," "health benefit plan," "coverage," "copay," "copayments," "preexisting conditions," "guaranteed issue," "premium," and "preferred provider";
  - (b) use other terms as designated by the commissioner by administrative rule in advertisement or marketing that could reasonably mislead a consumer to believe that a discount health program is any other form of health insurance; or
  - (c) refer to sales representatives as "agents," "producers," or "consultants."
- (2) A health discount program operator:
  - (a) shall have a written agreement with any marketer of the health discount program prior to marketing, selling, promoting, or distributing the health discount programs;
  - (b) shall file with the commissioner all advertisement, marketing materials, brochures, and discount programs prior to their use or distribution; and
  - (c) shall make the following disclosures:
    - (i) in writing in at least 10-point type and bolded; and
    - (ii) with any marketing or advertising to the public and with any enrollment forms given to an enrollee:
      - (A) the program is not a health insurance policy;
      - (B) the program provides discounts only at certain health care providers for health care services;
      - (C) the program holder is obligated to pay for all health care services but will receive a discount from those health care providers who have contracted with the health discount program; and
      - (D) the corporate name and the location of the health discount program operator.
- (3) A health discount program operator or marketer who sells the health discount program with another product shall provide the consumer a written itemization of the fees of the health discount program separate from any fees or charges for the other product, which can be purchased separately.

Amended by Chapter 297, 2011 General Session