

398 clearly expressed in the insurance contract to be issued or renewed.

399 (c) A licensee under this title may not absorb the tax under Section 31A-3-301.

400 (2) This section does not apply to a title insurer, a title producer, or an officer or
 401 employee of a title insurer or title producer.

402 (3) Items not prohibited by Subsection (1) include an insurer:

403 (a) reducing premiums because of expense savings;

404 (b) providing to a policyholder or insured one or more incentives, as defined by the
 405 commissioner by rule made in accordance with Title 63G, Chapter 3, Utah Administrative
 406 Rulemaking Act, to participate in a program or activity designed to reduce claims or claim
 407 expenses; or

408 (c) receiving premiums under an installment payment plan.

409 (4) Items not prohibited by Subsection (1) include a licensee, or an officer or employee
 410 of a licensee, either directly or through a third party:

411 (a) engaging in a usual kind of social courtesy if receipt of the social courtesy is not
 412 conditioned on the purchase of a particular insurance product;

413 (b) extending credit on a premium to the insured:

414 (i) without interest, for no more than 90 days from the effective date of the insurance
 415 contract;

416 (ii) for interest that is not less than the legal rate under Section 15-1-1, on the unpaid
 417 balance after the time period described in Subsection (4)(b)(i); and

418 (iii) except that an installment or payroll deduction payment of premiums on an
 419 insurance contract issued under an insurer's mass marketing program is not considered an
 420 extension of credit for purposes of this Subsection (4)(b);

421 (c) preparing or conducting a survey that:

422 (i) is directly related to ~~§~~→ [a health benefit plan] an accident and health insurance policy ←~~§~~
 422a purchased from the licensee; or

423 (ii) used by the licensee to assess the benefit needs and preferences of ~~§~~→ insureds, ←~~§~~
 423a employers ~~§~~→, ←~~§~~ or

424 employees directly related to an insurance product sold by the licensee;

425 (d) providing limited human resource services that are directly related to an insurance
 426 product sold by the licensee, including:

427 (i) answering questions directly related to:

428 (A) an employee benefit offering or administration, if the insurance product purchased

460 product;

461 (n) recommending placement and coverage options;

462 (o) providing a health fair or providing assistance or advice on establishing or
 463 operating a wellness program, but not providing any payment for or direct operation of the
 464 wellness program;

465 (p) providing COBRA and Utah mini COBRA administration, consultations, and other
 466 services directly related to an insurance product purchased from the licensee;

467 (q) assisting with a summary plan description;

468 (r) providing information necessary for the preparation of documents directly related to
 469 the Employee Retirement Income Security Act of 1974, 29 U.S.C. Sec. 1001, et seq., as
 470 amended;

471 (s) providing ~~H~~→ **information or** ←~~H~~ services directly related to the Health
 471a Insurance Portability and
 472 Accountability Act of 1996, Pub. L. 104-191, 110 Stat. 1936, as amended, such as services
 473 directly related to health care access, portability, and renewability when offered in connection
 474 with accident and health insurance sold by a licensee;

475 (t) sending proof of coverage to a third party with a legitimate interest in coverage;

476 (u) providing information ~~H~~→ **in a form approved by the commissioner and** ←~~H~~
 476a directly related to determining whether an insurance product
 477 sold by the licensee meets the requirements of a third party contract that requires or references
 478 insurance coverage;

479 (v) facilitating risk management services directly related to the insurance product sold
 480 or offered for sale by the licensee, including:

481 (i) risk management;

482 (ii) claims and loss control services; and

483 (iii) risk assessment consulting;

484 (w) otherwise providing services that are legitimately part of servicing an insurance
 485 product purchased from a licensee; and

486 (x) providing other directly related services approved by the department.

487 (5) An inducement prohibited under Subsection (1) includes a licensee, or an officer or
 488 employee of a licensee:

489 (a) (i) providing a premium or commission rebate;

490 (ii) paying the salary of an employee of a person who purchases an insurance product

491 from the licensee; or

492 (iii) if the licensee is an insurer, or a third party administrator who contracts with an
 493 insurer, paying the salary for an onsite staff member to perform an act prohibited under
 494 Subsection (5)(b) ~~H→~~ [(xi)] (xii) ←H ; or

495 (b) engaging in one or more of the following unless a fee is paid in accordance with
 496 Subsection (7):

497 (i) performing background checks of prospective employees;

498 (ii) providing legal services ~~H→~~ by a person licensed to practice law ←H ;

499 (iii) performing drug testing ~~H→~~ that is directly related to an insurance product
 499a purchased from the licensee ←H ;

500 (iv) preparing employer or employee handbooks, except that a licensee may:

501 (A) provide information for a medical benefit section of an employee handbook;

502 (B) provide information for the section of an employee handbook directly related to an
 503 employment practices liability insurance product purchased from the licensee; or

504 (C) prepare or print an employee benefit enrollment guide;

505 (v) providing job descriptions, postings, and applications for a person that purchases an
 506 employment practices liability insurance product from the licensee;

507 (vi) providing payroll services;

508 (vii) providing performance reviews or performance review training;

509 (viii) providing union advice;

510 (ix) providing accounting services;

511 (x) providing data analysis information technology programs, except as provided in

512 Subsection (4)(h)(ii):

513 (xi) providing administration of health reimbursement accounts or health savings
 514 accounts; or

515 (xii) if the licensee is an insurer, or a third party administrator who contracts with an
 516 insurer, the insurer issuing an insurance policy that lists in the insurance policy one or more of
 517 the following prohibited benefits:

518 (A) performing background checks of prospective employees;

519 (B) providing legal services ~~H→~~ by a person licensed to practice law ←H ;

520 (C) performing drug testing ~~H→~~ that is directly related to an insurance product
 520a purchased from the insurer ←H ;

521 (D) preparing employer or employee handbooks;