**§3157. Wellness programs**

**1. Marketing.**  An insurer or insurance producer may not:

A. Market a wellness program as pet insurance; or [PL 2021, c. 562, §1 (NEW).]

B. Market a wellness program during the sale, solicitation or negotiation of pet insurance. [PL 2021, c. 562, §1 (NEW).]

[PL 2021, c. 562, §1 (NEW).]

**2. Sale of wellness program.**  If a wellness program is sold by an insurer or insurance producer, the following requirements apply:

A. The purchase of a wellness program may not be a requirement of the purchase of pet insurance; [PL 2021, c. 562, §1 (NEW).]

B. The costs of a wellness program must be separate and identifiable from any pet insurance policy sold by an insurer or insurance producer; [PL 2021, c. 562, §1 (NEW).]

C. The terms and conditions for a wellness program must be separate from any pet insurance policy sold by an insurer or insurance producer; [PL 2021, c. 562, §1 (NEW).]

D. The products or coverages available through a wellness program may not duplicate products or coverages available through the pet insurance policy; and [PL 2021, c. 562, §1 (NEW).]

E. The advertising of a wellness program may not be misleading and must differentiate the wellness program from pet insurance. [PL 2021, c. 562, §1 (NEW).]

[PL 2021, c. 562, §1 (NEW).]

**3. Disclosure.**  An insurer or insurance producer shall clearly disclose the following to consumers of wellness program products, printed in 12-point boldface type:

A. That wellness programs are not insurance; [PL 2021, c. 562, §1 (NEW).]

B. The bureau's mailing address and toll-free telephone number and a link to the bureau's publicly accessible website; and [PL 2021, c. 562, §1 (NEW).]

C. The address and customer service telephone number of the insurer or the producer of record. [PL 2021, c. 562, §1 (NEW).]

[PL 2021, c. 562, §1 (NEW).]

**4. Wellness benefits.**  Any coverages included in a pet insurance policy contract described as "wellness benefits" are considered insurance. If a wellness program undertakes to indemnify another party, pays a specified amount upon determinable contingencies or provides coverage for a fortuitous event, it is transacting the business of insurance and is subject to the requirements of this Title, except that a contract directly between a service provider and a pet owner that involves only those 2 parties is not transacting the business of insurance unless other indications of insurance also exist.

[PL 2021, c. 562, §1 (NEW).]

SECTION HISTORY

PL 2021, c. 562, §1 (NEW).

The State of Maine claims a copyright in its codified statutes. If you intend to republish this material, we require that you include the following disclaimer in your publication:

*All copyrights and other rights to statutory text are reserved by the State of Maine. The text included in this publication reflects changes made through the Second Regular Session of the 131st Maine Legislature and is current through January 1, 2025
. The text is subject to change without notice. It is a version that has not been officially certified by the Secretary of State. Refer to the Maine Revised Statutes Annotated and supplements for certified text.*

The Office of the Revisor of Statutes also requests that you send us one copy of any statutory publication you may produce. Our goal is not to restrict publishing activity, but to keep track of who is publishing what, to identify any needless duplication and to preserve the State's copyright rights.

PLEASE NOTE: The Revisor's Office cannot perform research for or provide legal advice or interpretation of Maine law to the public. If you need legal assistance, please contact a qualified attorney.