



Ohio Revised Code

Section 3901.213 Unfair and deceptive practices - exceptions.

Effective: July 21, 2022

Legislation: Senate Bill 256 - 134th General Assembly

Nothing in division (F) or (G) of section 3901.21 or in section 3933.01 of the Revised Code shall be construed as prohibiting any of the following practices:

(A) In the case of any contract of life insurance or life annuity, paying bonuses to policyholders or otherwise abating their premiums in whole or in part out of surplus accumulated from nonparticipating insurance, provided that any such bonuses or abatement of premiums shall be fair and equitable to policyholders and in the best interests of the company and its policyholders;

(B) In the case of life insurance policies issued on the industrial debit plan, making allowance to policyholders who have continuously for a specified period made premium payments directly to an office of the insurer in an amount which fairly represents the saving in collection expenses;

(C) Readjustment of the rate of premium for a group insurance policy based on the loss or expense experience thereunder, at the end of the first or any subsequent policy year of insurance thereunder, which may be made retroactive only for such policy year;

(D)(1) Subject to divisions (D)(2) and (3) of this section, the offer or provision by insurers or producers, by or through employees, affiliates, or third party representatives, of value-added products or services at no or reduced cost when such products or services are not specified in the policy of insurance, if the product or service meets all of the following:

(a) The cost to the insurer or producer offering the product or service to any given consumer is reasonable in comparison to that consumer's premiums or insurance coverage for the policy class.

(b) It relates to the insurance coverage.

(c) It is primarily designed to do one or more of the following:



- (i) Provide loss mitigation or loss control;
 - (ii) Reduce claim costs or claim settlement costs;
 - (iii) Provide education about liability risks or risk of loss to persons or property;
 - (iv) Monitor or assess risk, identify risks, or identify risk of loss to persons or property;
 - (v) Enhance health;
 - (vi) Enhance financial wellness through items such as education or financial planning services;
 - (vii) Provide post-loss services;
 - (viii) Incentivize behavioral changes to improve the health or reduce the risk of death or disability of a consumer;
 - (ix) Assist in the administration of the employee or retiree benefit insurance coverage.
- (d) The product or service is provided along with contact information for the purpose of ensuring the consumer is assisted with questions regarding the product or service, if the insurer or producer is providing the product or service offered.
- (2)(a) Value-added products shall not be offered in a manner that is unfairly discriminatory. The availability of value-added products or services shall be based on documented, objective criteria.
- (b) The documented criteria shall be maintained by the insurer or producer and shall be provided to the superintendent of insurance upon request.
- (3)(a) If an insurer or producer does not have sufficient evidence, but has a good-faith belief that a product or service it wishes to offer meets the criteria prescribed in division (D)(1) of this section, the insurer or producer may provide the product or service in a manner that is not unfairly discriminatory as part of a pilot or testing program for no more than one year.



(b) An insurer or producer shall notify the superintendent of insurance of such a pilot or testing program offered to consumers in this state prior to launching the pilot or testing program and may proceed with the pilot or testing program unless the superintendent objects in writing within twenty-one days of receiving notice.

(E)(1) Subject to divisions (E)(2) and (3) of this section, the offer or gifting of noncash gifts, items, or services, including providing meals to or making charitable donations on behalf of a consumer, in connection with the marketing, sale, purchase, or retention of contracts of insurance, as long as the cost does not exceed an amount determined by the superintendent per policy year per term or calendar year.

(2) The offer shall be made in a manner that is not unfairly discriminatory.

(3) The consumer shall not be required to purchase, continue to purchase, or renew a policy in exchange for the gift, item, or service.

(F)(1) Subject to divisions (F)(2) and (3) of this section, the offer or gifting of non-cash gifts, items, or services, including providing meals to or making charitable donations on behalf of, commercial or institutional consumers in connection with the marketing, sale, purchase, or retention of contracts of insurance, as long as the cost is reasonable in comparison to the premium or proposed premium and the cost of the gift or services is not included in any amounts charged to another person or entity.

(2) The offer shall be made in a manner that is not unfairly discriminatory.

(3) The consumer shall not be required to purchase, continue to purchase, or renew a policy in exchange for the gift, item, or service.

(G) The conducting of raffles or drawings to the extent permitted by state law, so long as the raffle or drawing meets all of the following:

(1) There is no financial cost to entrants to participate.



- (2) The drawing or raffle does not obligate participants to purchase insurance.
- (3) The drawing or raffle is open to the public.
- (4) The raffle or drawing is offered in a manner that is not unfairly discriminatory.