

# Key State Insurance Statutes That Protect Individual Market Consumers with Preexisting Conditions

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State	Guaranteed issue	Adjusted community rating	Prohibition on preexisting condition exclusions	Essential health benefit requirements
Alabama	No	No	No	No
Alaska	No	No	No	No
Arizona	No <sup>1</sup>	No	No <sup>1</sup>	No
Arkansas	No	No	No	No
California	No*	Yes	No*	No*
Colorado	Yes	Yes <sup>2</sup>	Yes	Yes
Connecticut	No*	No	Yes	Yes
Delaware	Yes	Yes	Yes	Yes
District of Columbia	No*	No*	No*	No*
Florida	Yes <sup>3</sup>	No	Yes <sup>4</sup>	No <sup>5</sup>
Georgia	No	No	No	No
Hawaii	No	No	Yes	No
Idaho	No	No	No	No
Illinois**	No	No	Yes	No
Indiana	No	No	Yes	No
Iowa	No	No	No	No
Kansas	No	No	No	No
Kentucky	No	No	No	No
Louisiana	No	No <sup>6</sup>	Yes <sup>7</sup>	Yes <sup>6</sup>
Maine	Yes	Yes	Yes	Yes
Maryland	Yes	Yes	Yes	Yes
Massachusetts	Yes	Yes <sup>8</sup>	Yes	Yes
Michigan	Yes	Yes	No	No
Minnesota	No*	No <sup>9</sup>	Yes	Yes
Mississippi	No	No	No	No
Missouri	No	No	No	No
Montana	No	No	No	No
Nebraska	No	No	No	No
Nevada	Yes	Yes	Yes	No
New Hampshire	Yes	Yes	Yes	Yes
New Jersey	Yes	Yes <sup>10</sup>	Yes	Yes
New Mexico	Yes	No <sup>11</sup>	Yes	Yes
New York	Yes	Yes <sup>12</sup>	Yes	Yes
North Carolina	No	No	No	No
North Dakota	No	No	No	No
Ohio	No	No	No	No
Oklahoma	No	No	No	No
Oregon	Yes	Yes <sup>13</sup>	Yes	Yes
Pennsylvania	No	No	No	No
Rhode Island	No	No	Yes	No
South Carolina	No	No	No	No
South Dakota**	No	No	No	No
Tennessee	No	No	No	No
Texas	No	No	No	No
Utah	No	No	No	No
Vermont	Yes	No <sup>14</sup>	Yes	No
Virginia	Yes	Yes	Yes	Yes
Washington	Yes	No <sup>15</sup>	Yes	Yes
West Virginia	No	No	No	No
Wisconsin	No	No	No	No
Wyoming	No	No	No	No

## Notes

General notes: Some states have laws that require insurers to comply with 1) federal law or with the Affordable Care Act (ACA) in general; or 2) specific provisions of the ACA, by incorporating such federal protections into state law by reference. (For example, a state may require insurers to meet the community rating requirements “established under the ACA.”) The enforceability of such provisions may be vulnerable to challenge in the event the ACA is found invalid. Accordingly, unless such a state has codified additional requirements, described below, it is marked as “no.” A state is marked as “yes” only if: it has adopted a specific statutory protection regarding guaranteed issue, adjusted community rating, preexisting condition exclusions, or essential health benefit requirements for all non-Medicare-eligible residents, regardless of age, that is equivalent to, or more protective than, the ACA; and the operation of that protection does not appear to depend on the continued validity of the corresponding federal law provision.

\* State statute incorporates protection by reference to the ACA or includes a provision that renders the statute void in the event that the ACA is repealed or declared unconstitutional.

\*\* Some states like Illinois and South Dakota have promulgated regulations that incorporate some or all of the four ACA consumer protections in question. For the purposes of this table, a state is marked as “yes” only if the given protection is in statute.

1. Arizona’s guaranteed issue and prohibition on preexisting condition exclusion provisions only apply to plans issued to “eligible individuals,” and while the state does not explicitly define this term, it likely refers to the term as defined by HIPAA, which means the protections only apply to a very narrow subset of the population.
2. Colorado’s tobacco rating restriction is stricter than the requirement under the ACA.
3. Florida requires each carrier to guarantee issue of at least one major medical policy to all residents but carriers are allowed to adjust premiums based on health status.
4. Florida requires each carrier to offer at least one policy without preexisting condition exclusions but other policies offered by the same carrier may include such exclusions.
5. Florida essential health benefit (EHB) requirements are significantly narrower than the EHB requirements under the ACA.
6. Louisiana allows age rating of up to 5:1 and insurance regulators have the authority to grant insurers “transitional” relief from rating restrictions.
7. This protection goes into effect in Louisiana if the ACA is overturned.
8. Massachusetts has an age-rating standard that is more restrictive than that under the ACA.
9. In the event that the ACA is overturned, Minnesota law may permit an insurer to implement wider age- and tobacco-related bands than those currently allowed under the ACA.
10. New Jersey statutory law allows premiums to vary up to 3.5:1 and state regulations are more restrictive.
11. In the event that the ACA is overturned, New Mexico law may permit an insurer to implement wider age- and tobacco-rating bands than those currently allowed under the ACA.
12. New York has a pure community rating, which is a more restrictive rating standard than the ACA, and prohibits rating factors such as age and tobacco.
13. In the event that the ACA is overturned, Oregon law may permit an insurer to implement wider age- and tobacco-related bands than those currently allowed under the ACA.
14. Vermont prohibits the use of age or geographic location as a rating factor, but it allows carriers to vary premiums on the basis of adherence to wellness programs.
15. Washington allows carriers to vary premiums on the basis of adherence to wellness programs and allows age rating variation up to 3.75:1.