

**Adopted  
AMENDMENT NO 1 TO AMENDMENT NO 1 PROPOSED TO**

**Senate Bill No. 2242**

**BY: Senator(s) Nunnelee**

1           **AMEND by inserting the following new sections after line 779**  
2 **and renumbering:**

3           **SECTION \*.** (1) "Health discount plan" means a card,  
4 program, device, arrangement, contract or mechanism that purports  
5 to offer discounts or access to discounts on health care services  
6 or supplies that is not insurance or that does not provide  
7 coverage for services or benefits regulated under Section 83-9-1  
8 et seq., Mississippi Code of 1972.

9           (2) A person may not sell, market, promote, advertise or  
10 otherwise distribute a health discount plan unless:

11           (a) Each advertisement, policy, document, information,  
12 statement or other communication regarding the health discount  
13 plan and the plan itself contain a statement, in bold and  
14 prominent type, that the health discount plan is not insurance;

15           (b) The discounts offered under the health discount  
16 plan are specifically authorized by a contract with each provider  
17 of the services or supplies listed in conjunction with the plan;

18           (c) The health discount plan states the name, address  
19 and telephone number of the administrator of the plan;

20           (d) The person makes readily available to the consumer  
21 a complete, accurate and up-to-date list of providers  
22 participating in the plan that offer discounted health care

23 services or supplies in the consumer's local area and the  
24 discounts offered by the providers;

25 (e) The person provides the consumer the right to  
26 cancel the health discount plan within thirty (30) days after  
27 purchase of the plan; and

28 (f) The person provides the consumer with a full refund  
29 of all payments made, except for a nominal processing fee, within  
30 thirty (30) days after notification of cancellation of the plan  
31 under paragraph (e) of this subsection.

32 (3) The Commissioner of Insurance may adopt regulations to  
33 implement this section and to establish additional requirements  
34 intended to prohibit unfair or deceptive practices relating to  
35 health discount plans.

36 **SECTION \*.** Section 83-5-85, Mississippi Code of 1972, is  
37 brought forward as follows:

38 83-5-85. For violation of any provisions of the insurance  
39 laws of Mississippi, the penalty whereof is not specifically  
40 provided, the offender shall be guilty of a misdemeanor and, on  
41 conviction, shall be punished by a fine of not more than Five  
42 Thousand Dollars (\$5,000.00). For expenses in seeking out,  
43 detecting and punishing violations of such laws, the commissioner  
44 may assess an additional penalty to be paid by the offender as  
45 restitution in an amount to cover such expenses as may be approved  
46 by the court.

47 The penalties authorized by this section are cumulative and  
48 supplemental to any other penalty, fine or other sanction, and  
49 shall not be a bar to any other civil cause of action or criminal  
50 prosecution.

51 **FURTHER amend the title amendment by inserting the following**  
52 **after the semicolon on line 8:**

53 TO DEFINE HEALTH DISCOUNT PLANS AND HEALTH DISCOUNT CARDS; TO  
54 PROVIDE LIMITATIONS ON THE DISTRIBUTION OF SUCH HEALTH DISCOUNT  
55 PLANS AND CARDS; TO DIRECT THE MISSISSIPPI COMMISSIONER OF  
56 INSURANCE TO ISSUE REGULATIONS REGARDING THE LIMITATIONS ON SUCH  
57 PLANS AND CARDS; TO BRING FORWARD SECTION 83-5-85, MISSISSIPPI  
58 CODE OF 1972, FOR EXPLANATION PURPOSES;