



COLORADO

**Department of
Regulatory Agencies**

Division of Insurance

Karen Schutter
Executive Director & Commission Secretary
1101 K Street, NW
Suite 650
Washington DC 20001

December 2, 2025

Dear Director Dunning and fellow Compact Member States,

As one of the first states to enact the Compact Statute, Colorado is a strong supporter of the uniformity and single point of filing that provides consistent and transparent consumer protection through our joint management of the Commission. The Compact is a success story of state-based regulation in which Colorado is proud to participate. With this understanding of the value of the Compact, the Colorado Division of Insurance requests the Compact Officers study how best to align the Compact's standards for long-term care insurance rates with Colorado's statutory prohibition on the use of gender as a rating characteristic for health products including long-term care insurance. See C.R.S. § 10-16-107(2)(b).

Following the Colorado Supreme Court's 2020 opinion in *Amica Life Insurance Company v. Wertz* finding that "the General Assembly may not delegate to an interstate administrative agency the authority to adopt regulations that effectively override Colorado statutory law," the Compact amended the life insurance policy standards to accommodate differing state maximum suicide exclusion period laws. We are now asking for consideration of a similar solution addressing the use of gender as a rating characteristic so that Colorado consumers may continue to benefit from the Compact framework while ensuring a level playing field for insurers filing long-term care products with the Compact and with Colorado.

The Colorado Division of Insurance recognizes the importance of limiting state-specific variation within the Uniform Standards, as well as the Commission's adoption of Position Statement 1-2022 recognizing the consent of Congress to the Compact and further that the Commission's duly adopted Uniform Standards and other rules have the protection of the Supremacy Clause. However, the direct and binding Wertz opinion in Colorado and the interest of enhancing transparency for Compact filers uniquely compel us to bring this request to the Commission.

Sincerely,

Michael Conway
Commissioner of Insurance

