

May 7, 2026

Interstate Insurance Product Regulation Commission  
1101 K Street, NW  
Suite 650  
Washington, DC 20001

**RE: Draft Amendment to LTCI standards on Unisex Rates**

Members of the Product Standards Committee:

The American Council of Life Insurers (ACLI) appreciates this opportunity to comment on your draft amendment to the two *Rate Filing Standards for Individual Long-Term Care Insurance (for Issue Age Rate Schedules and Modified Rate Schedules)* which would allow for states that require unisex rates by permitting gender-specific rates “*unless prohibited by applicable statute in the state where the policy is delivered or issued for delivery*”.

We understand that the Management Committee has asked the PSC to draft an amendment to the Rate Filing Standards before it decides whether to move forward with Colorado’s request to amend the standards. Therefore, our comments will be limited to the draft amendment that the PSC has exposed.

As we stated in our letter to the Management Committee on March 18 and during the Compact’s Joint Meeting in San Diego on March 24, we will continue to urge the Management Committee to reject Colorado’s request to amend the Rate Filing Standards in order to (a) preserve the uniformity of the Compact standards and (b) prevent the erosion of the Compact and its utility to insurers and member states. We will also seek to work with Colorado, the Compact and other interested parties to come up with an alternative solution that would satisfy all parties.

However, should the Management Committee decide to move forward with an amendment to the Rate Filing Standards, industry provides the following framework to help ensure that any action is appropriately limited, legally grounded, and does not create broader precedent that could undermine the uniformity of Compact standards.

The industry’s proposed approach is grounded in the recognition that the issue is not statutory in nature with respect to the use of gender-specific rates for Compact-approved LTC products. The Interstate Insurance Product Regulation Compact statute (the “ICC Statute”), which each participating state enacts, clearly establishes that Compact standards govern in the event of a conflict with state statutes or regulations:

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*For any Product approved or certified to the Commission, the Rules, Uniform Standards and any other requirements of the Commission shall constitute the exclusive provisions applicable to the content, approval and certification of such Products.*

ICC Statute, Article XVI, Section 1.b.

Accordingly, where a conflict arises, the Compact's framework is designed to provide uniformity and preemption over inconsistent state statutory or regulatory provisions.

The more relevant constraint arises in circumstances where a state faces a constitutional limitation - specifically, where a court ruling or opinion has determined that the state legislature cannot delegate authority to the Compact in a manner that would override conflicting state law. The ICC Statute expressly contemplates this scenario and provides a mechanism to address it:

*In the event any provision of this Compact exceeds the constitutional limits imposed on the legislature of any Compacting State, the obligations, duties, powers or jurisdiction sought to be conferred by that provision upon the Commission shall be ineffective as to that Compacting State, and those obligations, duties, powers or jurisdiction shall remain in the Compacting State and shall be exercised by the agency thereof to which those obligations, duties, powers or jurisdiction are delegated by law in effect at the time this Compact becomes effective.*

ICC Statute, Article XVI, Section 2.d.

This framework reflects a deliberate balance: preserving the Compact's uniform standards while recognizing that constitutional constraints, as interpreted by the courts, may necessitate limited and carefully tailored exceptions.

Against this backdrop, the industry believes that any prohibition from using gender-specific rates under the Rate Filing Standards should be narrowly constructed and explicitly tied to a binding court ruling or opinion that is based on that state's constitution. Anchoring any exception in a clear constitutional limitation helps ensure that deviations from the Compact standards remain limited, well-defined, and consistent with the Compact's broader goal of maintaining product uniformity across participating jurisdictions.

We, therefore, respectfully ask that the draft amendment to the Rate Filing Standards be modified to read as follows (delete language in red; add language in green):

*(7) The use of gender as a rating characteristic for premium schedules is permitted unless prohibited by [applicable statute] a binding court ruling or opinion that is based on the state constitution in the state where the policy is delivered or issued for delivery.*

*Drafting Note: The Interstate Insurance Product Regulation Commission will maintain a comprehensive listing of states [statutes] that, as a matter of state constitutional law, prohibit use of gender as a rating characteristic for premium schedules, based on [information] binding court rulings or opinions reported by Member States.*

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The American Council of Life Insurers is the leading trade association driving public policy and advocacy on behalf of the life insurance industry. 90 million American families rely on the life insurance industry for financial protection and retirement security. ACLI's member companies are dedicated to protecting consumers' financial wellbeing through life insurance, annuities, retirement plans, long-term care insurance, disability income insurance, reinsurance, and dental, vision and other supplemental benefits. ACLI's 275 member companies represent 93 percent of industry assets in the United States.

Thanks again for this opportunity to comment, and we look forward to working with you on this issue going forward. If you have any questions, please feel free to contact me.

Respectfully submitted,

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