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**TO:** Management Committee

**FROM:** Product Standards Committee

**DATE:** May 19, 2026

**SUBJECT:** Draft amendment to the Rate Filing Standards for Individual Long-Term Care Insurance (IIPRC-LTC-I-3-RATEI, IIPRC-LTC-I-3-RATEM)

The Product Standards Committee (“PSC”) of the Interstate Insurance Product Regulation Commission (“Commission”) is charged with developing proposed drafts of Uniform Standards. At the request of the Management Committee, the Product Standards Committee brings forth a recommendation to amend the two *Rate Filing Standards for Individual Long-Term Care Insurance (for Issue Age Rate Schedules and Modified Rate Schedules)* in response to the Colorado Division of Insurance’s request to address the Colorado state statute that prohibits gender as a rating characteristic for individual long-term care insurance rate schedules.

On December 2, 2025, the Colorado Division of Insurance asked the Commission to address a statutory conflict that exists with the Uniform Standards with respect to the use of gender as a rating characteristic given its unique situation with a binding Supreme Court opinion from 2020. The relevant Uniform Standards currently allow gender as a rating characteristic for individual long-term care insurance products and rate schedules. The Compact has approved both gender-neutral and gender-distinct rate schedules for companies with individual long-term care insurance products.

The suite of individual long-term care insurance Uniform Standards already includes provisions that are required to follow state law or recognize a state exception, such as definitions for levels of care, daily minimum benefit, minimum benefit period, and maximum elimination period.

To address this request, the PSC exposed for public comment a new provision to the end of § 1. Criteria For Review For All Rate Filings stating, *The use of gender as a rating characteristic for premium schedules is permitted unless prohibited by applicable statute in the state where the policy is delivered or issued for delivery*, along with a drafting note following this provision stating, *The Interstate Insurance Product Regulation Commission will maintain a comprehensive listing of state statutes that prohibit use of gender as a rating characteristic for premium schedules, based on information reported by Member States.*

The PSC held a public call on May 12, 2026, to receive comments. ACLI provided written and oral comments. The ACLI opposed amending the standard “*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.*” However, ACLI further suggested changes to the PSC’s draft in the event

that the Commission agreed to amend the standard as follows: *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, with changes to the Drafting Note as follows: *The Interstate Insurance Product Regulation Commission will maintain a comprehensive listing of states ~~[statutes]~~ that, as a matter of 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.**

The PSC reviewed the ACLI draft and agrees with the suggestion to narrow the exception to the Uniform Standard provision. The PSC recommends the following draft language for the Commission's consideration when considering Colorado's request:

## **§ 1. CRITERIA FOR REVIEW FOR ALL RATE FILINGS**

### **A. GENERAL**

(7) The use of gender as a rating characteristic for premium schedules is permitted unless prohibited by applicable statute and is supported by a binding court ruling or opinion in the state where the policy is delivered or issued for delivery.

The PSC no longer recommends the drafting note originally proposed because it is not necessary for product review and it is beyond the normal scope of the Compact's or state insurance department's parameters to associate a filing requirement to state insurance department tracking of caselaw to which the department is unlikely to be a party.

The PSC recommendation is limited in scope to how to amend the relevant standards in order to accomplish Colorado's request. The Management Committee and Commission will separately discuss and determine whether to put an amendment in place.

The PSC is available to respond to any questions or requests for information to assist the Management Committee.