ACLI
Financial Security for Life

July 23, 2026

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

RE: Colorado's Request to Amend LTCI Rate Filing Standards

Members of the Management Committee:

The American Council of Life Insurers (ACLI) appreciates this opportunity to comment on the Product Standards Committee's revised draft amendment to the *Rate Filing Standards for Individual Long-Term Care Insurance (Issue Age Rate Schedules and Modified Rate Schedules)*, as well as its proposed implementation and effective date.

We would first like to restate our opposition to Colorado's request to amend the Rate Filing Standards to allow for states that require unisex rates. Accordingly, we urge the Management Committee to reject its request in order to (1) preserve the uniformity of the Compact's existing standards, (2) maintain the ability of insurers and regulators to rely on the Compact and its standards, especially with regard to previously approved filings, and (3) prevent the gradual erosion of the Compact (of which Colorado was one of the first to join) and its utility to both insurers and member states.

Instead of amending the standards, we strongly suggest that the Compact work closely with Colorado, industry and other interested parties to develop an alternative solution that would satisfy all parties. For example, Colorado could either elect to opt out of the individual long-term care insurance (LTCI) standards or enact legislation that would allow for gender-specific rates in addition to unisex rates. Alternatively, the Compact could issue a Filing Information Notice (FIN) that addresses the filing process for insurers that issue LTCI policies in Colorado in order to demonstrate compliance with Colorado's unisex rate requirement, in a manner similar to FIN 2013-3 which addressed Montana's unisex rate requirement.

If, however, the Management Committee ultimately decides to move forward with Colorado's request to amend the Rate Filing Standards, we would suggest that the phrase "*binding court ruling or opinion*" in the draft amendment be clarified so it only applies to a binding ruling or opinion that specifically states that a Compact standard that conflicts with one of its own state's laws is ineffective as it relates to an insurance product that is sold in that state. Accordingly, we propose the following clarifying language (in red font):

> *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 that a conflicting standard from the Interstate Insurance Product Regulation Commission cannot be used in the state where the policy is delivered or issued for delivery.*

We would like to thank the Compact for updating its *Briefing Sheet for Amendment to Long-Term Care Rate Filing Standards* to clarify that the draft amendment would only apply to stand-alone LTCI policies and that LTCI benefits provided under a life insurance policy or annuity contract would not be subject to the amendment. Excluding such LTCI benefits is consistent with the treatment of these kinds of products under both the NAIC's *Life and Health Insurance Guaranty Association Model Act* and Colorado's own guaranty fund statute, both of which look to the base policy in classifying the product. Accordingly, we propose that the following language be added to the draft amendment:

> *This provision only applies to stand-alone long-term care insurance policies and not to long-term care benefits provided under a life insurance policy or annuity contract.*

We would also like to express our support for the proposed prospective application of the draft amendment to both new rate filings and new issues of previously approved rate schedules. However, while the *Notice of Proposed Rule* establishes the draft amendment's effective date, it does not address whether new forms or form numbers will be needed when transitioning to the new unisex rate requirement in Colorado. We also seek clarification as to whether companies will be able to update their LTCI rate tables for previously approved forms.

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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