



## The State of New Hampshire Insurance Department

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**Christopher R. Nicolopoulos**  
Commissioner

**Alexander K. Feldvebel**  
Deputy Commissioner

Bulletin  
Docket No: INS 20-035-AB

**TO:** All insurers authorized to transact life insurance, annuity contracts, and/or disability insurance

**FROM:** Christopher R. Nicolopoulos, Insurance Commissioner *C.R.N.*

**DATE:** June 19, 2020

**RE:** Denial of insurance coverage(s) due to Opioid Antagonists in Underwriting and Rating

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The New Hampshire Insurance Department (“NHID”), like many other United States jurisdictions, is making significant efforts to address an ongoing opioid public health crisis. In response, the New Hampshire Legislature passed House Bill 271 in June 2015, expanding access to opioid antagonist medication. House Bill 271 amended RSA 318-B:15 to allow health care professionals to prescribe an opioid antagonist to any person that may be in the position to assist a person at risk of experiencing an opioid-related overdose.

In August 2019, the New Hampshire Legislature passed Senate Bill 251, which amended RSA 417:4, VIII. The purpose of this bulletin is to emphasize the significance of the recent legislative change regarding insurers’ consideration of opioid antagonist prescriptions in the underwriting and rating process.

The NHID understands that as part of the underwriting process, insurers collect and consider information about an applicant’s medical history, including prescription medications, in order to assess the applicant’s health status and level of risk. RSA 417:4, VIII (h) provides:

For life, life annuity, or disability coverage, refusing to insure or to continue to insure, or limiting the amount, extent, or kind of coverage based on the applicant who is also the proposed insured having filled a prescription for an opioid antagonist, when that prescription is not relevant to the applicant's health, but rather is designed to promote the health of someone else. For any such prescription, the carrier shall inquire with the applicant as to the reason for the prescription and may request documentation that verifies the applicant's response prior to issuing an underwriting decision.

Before making an adverse underwriting or rating decision based on the presence of a prescription for an opioid antagonist in a person's prescription drug history, the insurer must document that it has determined that the prescription is relevant to the applicant's health.

If you have questions regarding this bulletin, please contact Denise Lamy, Examiner-in-Charge, Life and Annuity, at [denise.c.lamy@ins.nh.gov](mailto:denise.c.lamy@ins.nh.gov) or (603) 271-2129.