



**Health and Welfare Plan  
Tobacco Surcharge Litigation Supplemental Questionnaire**

1. Does any sponsored health plan impose a premium surcharge to tobacco users?

Yes \_\_\_ No \_\_\_

If Yes:

What is the surcharge amount? \_\_\_\_\_

Is the surcharge based on annual enrollment or is it charged until a tobacco user communicates they no longer use tobacco? \_\_\_\_\_

Does the Plan document allow for the surcharge? \_\_\_\_\_

2. Is any tobacco cessation program offered as part of any wellness incentive benefit program, or as a way to eliminate or reduce the tobacco premium surcharge?

Yes \_\_\_ No \_\_\_

If Yes:

Describe the program, including how it is communicated to tobacco users, and whether it is a full cessation program (where employees must quit using tobacco) or an educational program (where employees receive education on quitting tobacco)?

\_\_\_\_\_  
\_\_\_\_\_

What is the eligible reward (premium discount or return of premium) and is it applied retroactive to enrollment at the beginning of the plan's year or is it applied going-forward effective the date the program is completed? \_\_\_\_\_

\_\_\_\_\_

3. Have any tobacco users challenged any sponsored health plan's tobacco surcharge policy or tobacco cessation wellness incentive program (e.g. complaint to HR, EEOC, etc.)?

Yes \_\_\_ No \_\_\_

If Yes, please provide a description:

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4. Have there been any changes to tobacco surcharges policies or tobacco cessation wellness incentive programs within the last six years? \_\_\_\_\_

Yes \_\_\_ No \_\_\_

If Yes, please describe such changes:

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