



Department of Business Regulation
Insurance Division
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Pet Wellness Marketing

The Department has been approached by industry with concerns regarding the prohibition found in the Pet Insurance Act (Chapter 27-83) against marketing “a wellness program during the sale, solicitation, or negotiation of pet insurance.” Since “marketing” is not defined within the act, this Bulletin is intended to provide some clarity around what would and would not be acceptable behavior under this section of the statute.

The Producer Licensing Act (§ 27-2.4-2. Definitions) defines the terms “sell,” “solicit,” and “negotiate.” It does not define “marketing.”

(17) “Sell” means to exchange a contract of insurance by any means, for money or its equivalent, on behalf of an insurance company.

(18) “Solicit” means attempting to sell insurance or asking or urging a person to apply for a particular kind of insurance from a particular company.

(14) “Negotiate” means the act of conferring directly with or offering advice directly to a purchaser or prospective purchaser of a particular contract of insurance concerning any of the substantive benefits, terms, or conditions of the contract, provided that the person engaged in that act either sells insurance or obtains insurance from insurers for purchasers.

Rhode Island law does not specifically define the term “marketing” in relation to insurance, but it does appear in context in several statutes. There are also various dictionaries and legal dictionaries that contain definitions. In most of these sources “marketing” is defined similarly to “advertising” and generally stops short of “selling” or “soliciting.” “Marketing” is largely considered to be the sharing of information rather than the making of a sale to a specific party.

If a licensee offers a website or other documentation to the general public that informs consumers about what is included in a pet insurance policy and what is excluded, and then also offers that some of the exclusions may be covered by a wellness plan, that would not be seen as a violation of the Pet Insurance Act in Rhode Island. If the sale of a pet insurance policy has been **completed**, and the producer offers that same consumer information about a wellness plan **after**

the insurance policy transaction has concluded, that also would not be in violation of the Pet Insurance Act. However, if a producer offers a pet insurance policy and a wellness plan that is not part of the policy together at the same time, or in the same quote, that would be a violation of the Pet Insurance Act.

The Department can be contacted regarding questions or concerns about this Bulletin via email at dbr.insurance@dbr.ri.gov.

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