

# Tobacco Use and the Affordable Care Act

Under the Affordable Care Act (ACA), insurance companies are not allowed to deny you health coverage based on a preexisting condition: however, they are allowed charge you more if you use tobacco.



» You are considered a tobacco user if you used a tobacco product an average of four or more times per week for the last six months.

»»» "Tobacco Products" include cigarettes, cigars and cigarillos, and hookah, as well as smokeless tobacco products like dip, chewing tobacco, and snuff.



» You may have to pay more for health insurance on the Marketplace if you use tobacco.

»»» An insurer can charge you as much as 50% more than a non-user. Some insurers who do charge more for tobacco users are charging less than the maximum amount they can under law.



» Even if you lie about tobacco usage on your application, the insurance company is not allowed to cancel your policy.

»»» They are allowed to raise your rates to match the tobacco user rates going back to the beginning of the plan year. If you quit, the insurer is not required to lower your premium until you renew your policy.



» If you use tobacco and you have a premium tax credit, the premium tax credit will not be used to cover the surcharge for using tobacco.

»»» If the tobacco surcharge makes your insurance unaffordable (more than 8% of your income) you are exempt from the penalty for not having health insurance.

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