

**HOUSE . . . . . No. 01172**

The Commonwealth of Massachusetts

PRESENTED BY:

***Ruth B. Balsler***

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the passage of the accompanying bill:

An Act prohibiting discrimination in insurance policies.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
<i>Ruth B. Balsler</i>	<i>12th Middlesex</i>
<i>Gailanne Cariddi</i>	<i>1st Berkshire</i>
<i>Alice K. Wolf</i>	<i>25th Middlesex</i>
<i>Jason M. Lewis</i>	<i>31st Middlesex</i>
<i>Joyce A. Spiliotis</i>	<i>12th Essex</i>
<i>Carl M. Sciortino, Jr.</i>	<i>34th Middlesex</i>
<i>Frank I. Smizik</i>	<i>15th Norfolk</i>
<i>Kay Khan</i>	<i>11th Middlesex</i>
<i>James B. Eldridge</i>	<i>Middlesex and Worcester</i>
<i>Martin J. Walsh</i>	<i>13th Suffolk</i>
<i>Jonathan Hecht</i>	<i>29th Middlesex</i>
<i>Denise Provost</i>	<i>27th Middlesex</i>
<i>Angelo M. Scaccia</i>	<i>14th Suffolk</i>
<i>Byron Rushing</i>	<i>9th Suffolk</i>
<i>Patricia D. Jehlen</i>	<i>Second Middlesex</i>
<i>Tom Sannicandro</i>	<i>7th Middlesex</i>
<i>Carolyn C. Dykema</i>	<i>8th Middlesex</i>



# HOUSE . . . . . No. 01172

By Ms. Ruth B. Balser of Newton, petition (accompanied by bill, House, No. 01172) of Gailanne Cariddi and others for legislation to prohibit discrimination in the issuance of certain insurance policies. Joint Committee on Financial Services.

## The Commonwealth of Massachusetts

In the Year Two Thousand Eleven

An Act prohibiting discrimination in insurance policies.

*Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:*

1 SECTION 1. Chapter 175 of the General Laws is hereby amended by striking out section 24A, as  
2 appearing in the 2000 Official Edition, and inserting in place thereof the following section:—  
3 Section 24A. (a) As used in this section, the following words shall have the following meanings  
4 unless the context otherwise requires:  
5 “Insurer”, any company as defined in section 1; any fraternal benefit society as defined in section  
6 1 of chapter 176 of the General Laws; any hospital service corporation as defined in section 1 of  
7 chapter 176A of the General Laws; any medical service plan as defined in section 1 of chapter  
8 176B of the General Laws; any non-profit medical service plan as defined in section 1 of chapter  
9 176C of the General Laws; any dental service corporation as defined in section 1 of chapter 176E  
10 of the General Laws; any optometric service

11 corporation as defined in section 1 of chapter 176F of the General Laws; any health maintenance  
12 organization as defined in section 1 of chapter 176G of the General Laws; any insured legal  
13 services plan as defined in section 1 of chapter 176H of the General Laws; and, any savings and  
14 insurance bank as defined in section 1 of chapter 178A of the General Laws.

15 “Policy”, any insurance contract, policy or plan.

16 “Joined insurance/savings plan”, any policy explicitly comprising a separate investment or  
17 savings component or mortality or morbidity component.

18 “Renewed by agreement”, an existing policy under which the premiums are subject to change,  
19 either by the insurer or by the insured, by an amount not predetermined by the policy, whether or  
20 not the change provides an opportunity for the insurer to refuse to continue coverage; provided,  
21 however, that any joined insurance savings plan shall be considered to be “renewed by  
22 agreement” when the schedule of charges for the mortality or morbidity component of the plan  
23 changes, whether or not overall premium for the joined insurance savings plan changes.

24 As used in this section, sex includes, but is not limited to, conditions unique to one sex, such as  
25 pregnancy.

26 (b)(1) Notwithstanding the provisions of section 120 of this chapter, or subsection 7 of section 3  
27 chapter 176D of the General Laws, or any other general or special law to the contrary, no policy  
28 subject to this section shall be based on or use any table, whether for mortality, life expectancy,  
29 morbidity, liability, disability, termination or losses, or any other statistical compilation as a  
30 basis for any action which classified residents of the commonwealth into separate classes on the  
31 basis of race, color, religion, sex, marital status, or national origin.

32 (2) Notwithstanding the provisions of section 120 of this chapter, or subsection 7 of section 3  
33 chapter 176D of the General Laws, or any other general or special law to the contrary, no policy  
34 subject to this section shall, on the basis of race, color, religion, sex, marital status, or national  
35 origin, treat any covered person or applicant for coverage, who is a resident of the  
36 commonwealth differently than it treats any other such person, with respect to the availability,  
37 term, conditions, rates, benefits or requirements of any such policy delivered or issued for  
38 delivery within or without the commonwealth which covers one or more residents of the  
39 commonwealth.

40 (c)(1) This section shall apply to any policy offered by an insurer which covers one or more  
41 residents of the commonwealth and which is delivered or issued for delivery or renewed by  
42 agreement within or without the commonwealth on or after June 1, 2012.

43 (2) This section shall apply to all changes made on or after June 1, 2012 by an insurer in  
44 payments, in the amount of insurance coverage, in premiums or in benefits under the existing  
45 insurance policies, the dollar amount of which is not calculable from the terms of the original  
46 insurance policy.

47 (3) Nothing in this section shall be construed to prohibit the use of any blended table approved  
48 pursuant to 211 CMR 32.00.

49 (4) Nothing in this section shall be construed to prohibit an insurer from issuing a family policy.

50 (5) Nothing in this section shall be deemed to prevent an insurer which regularly provides an  
51 insurance coverage solely to persons of a single religious affiliation from continuing to provide  
52 insurance solely to persons of such religious affiliation.

53 (6) This section shall not apply to any retirement benefits derived from contributions made prior  
54 to July 6, 1983 to plans governed by Title VII of the Civil Rights Act of 1964.

55 SECTION 2. Paragraph (c) of subdivision 6 of section 144 of said chapter 175, as so appearing,  
56 is hereby amended by adding the following sentence:— To the extent computations made  
57 pursuant to this subdivision would violate section 24A, computations shall be made on the basis  
58 of mortality tables referred to in subparagraph (6) of paragraph (h) of subdivision 6A.

59 SECTION 3. Said section 144 of said chapter 175, as so appearing, is hereby amended by  
60 striking out in lines 278 and 279, the words “Any ordinary mortality tables, adopted after 1980  
61 by the National Association of Insurance Commissioners” and inserting in place thereof the  
62 following words:— Other mortality tables to be used for the purpose of implementing section  
63 24A.