

HOUSE BILL NO. 600

INTRODUCED BY W. WARBURTON

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A BILL FOR AN ACT ENTITLED: "AN ACT ALLOWING SEX TO BE CONSIDERED WHEN ISSUING OR PROVIDING CERTAIN INSURANCE COVERAGE; PROVIDING AN APPROPRIATION TO THE STATE AUDITOR TO PREPARE A REPORT TO THE 64TH LEGISLATURE ON THE IMPACT OF ALLOWING SEX TO BE CONSIDERED WITH RESPECT TO INSURANCE PREMIUMS; AMENDING SECTION 49-2-309, MCA; AND PROVIDING AN EFFECTIVE DATE AND AN APPLICABILITY DATE."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

**Section 1.** Section 49-2-309, MCA, is amended to read:

**"49-2-309. Discrimination in insurance and retirement plans.** (1) It is an unlawful discriminatory practice for a financial institution or person to discriminate solely on the basis of sex or marital status in the issuance or operation of any type of insurance policy, plan, or coverage or in any pension or retirement plan, program, or coverage, including discrimination in regard to rates or premiums and payments or benefits.

(2) This section does not apply to any insurance policy, plan, or coverage or to any pension or retirement plan, program, or coverage in effect prior to October 1, 1985.

(3) It is not a violation of the prohibition against marital status discrimination in this section for an employer to provide greater or additional contributions to a bona fide group insurance plan for employees with dependents than to those employees without dependents or with fewer dependents.

(4) Except as provided in subsection (5), it is not a violation of the prohibition against sex discrimination in this section for a person to use industry-approved actuarial standards based on sex in establishing insurance premium rates.

(5) An insurer or a health service corporation that issues or renews a policy, certificate, or membership contract of health insurance coverage as defined in 33-22-140 to a resident of this state may not use industry-approved actuarial standards based on sex to establish health plan premium rates."

**NEW SECTION. Section 2. Appropriation.** There is appropriated \$7,500 from the general fund for the fiscal year beginning July 1, 2013, to the office of the state auditor for the purpose of preparing a report on the



1 effect of implementing the provisions of 49-2-309(4) and (5) on the insurance premiums paid by Montana  
2 consumers. The state auditor shall provide the report to the 64th legislature. The money must be spent by  
3 December 31, 2014. Any money unexpended or unencumbered by December 31, 2014, for the purpose  
4 described in this section must revert to the general fund.

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6 NEW SECTION. **Section 3. Effective date.** [This act] is effective July 1, 2013.

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8 NEW SECTION. **Section 4. Applicability.** [This act] applies to insurance contracts entered into or  
9 renewed on or after [the effective date of this act].

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