

# SENATE, No. 2188

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

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

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

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

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

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

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

35 status, or national origin.

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

44 (c)(1) This section shall apply to any policy offered by an insurer which covers one or  
45 more residents of the commonwealth and which is delivered or issued for delivery or  
46 renewed by agreement within or without the commonwealth on or after June 1, 2002.

47 (2) This section shall apply to all changes made on or after June 1, 2002 by an insurer in  
48 payments, in the amount of insurance coverage, in premiums or in benefits under the  
49 existing insurance policies, the dollar amount of which is not calculable from the terms of  
50 the original insurance policy.

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

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

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

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

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

65 SECTION 3. Said section 144 of said chapter 175, as so appearing, is hereby amended by  
66 striking out in lines 278 and 279, the words “Any ordinary mortality tables, adopted after  
67 1980 by the National Association of Insurance Commissioners” and inserting in place  
68 thereof the following words:— Other mortality tables to be used for the purpose of  
69 implementing section 24A.

