

§2159. Unfair discrimination -- life insurance, annuities and health insurance

1. No person shall make or permit any unfair discrimination between individuals of the same class and equal expectation of life in the rates charged for any contract of life insurance or of life annuity or in the dividends or other benefits payable thereon, or in any other of the terms and conditions of such contract.

[PL 1969, c. 132, §1 (NEW).]

2. No person may make or permit any unfair discrimination between individuals of the same class and of essentially the same hazard in the amount of premium, policy fees, or rates charged for any policy or contract of health insurance or in the benefits payable thereunder, or in any of the terms or conditions of such contract, or in any other manner whatever. Nothing in this provision prohibits an insurer from providing incentives for insureds to use the services of a particular provider.

[PL 1985, c. 704, §3 (AMD).]

3. It shall be an unfair trade practice in the business of insurance for any insurer to discriminate unfairly against any person who has tested positive for the presence of the human immunodeficiency antigen or the presence of an antibody to the human immunodeficiency virus or who has Acquired Immune Deficiency Syndrome or AIDS, AIDS Related Complex (ARC) or HIV related diseases provided that nothing in this subsection prohibits an insurer from treating individuals of different classes and of unequal expectations of life, or essentially different hazards, differently in accordance with subsection 1 or 2.

[PL 1989, c. 176, §2 (NEW).]

4. It shall not be unfair discrimination for group life insurance policies or contracts subject to chapter 31 to contain an exclusion or restriction for death caused by Acquired Immune Deficiency Syndrome (AIDS), AIDS Related Complex (ARC) or HIV related diseases which existed 6 months prior to the individual's effective date of insurance if an actuarial justification is filed and approved by the superintendent. The exclusion or restriction may run for no longer than the incontestable period of the policy within the meaning of section 2615.

[PL 1989, c. 176, §2 (NEW).]

5. Definitions. As used in this section, "HIV" and "antibody to HIV" have the same meanings as set out in Title 5, section 19201.

[PL 1991, c. 3, §3 (NEW).]

6. Test results. No insurer may request any person to reveal whether the person has obtained a test for the presence of antibodies to HIV or a test to measure the virus or to reveal the results of such tests taken prior to an application for insurance coverage.

[PL 1991, c. 3, §3 (NEW).]

7. Discrimination prohibited; preexposure prophylaxis medication to prevent HIV infection. Notwithstanding any provision of law to the contrary, an insurer authorized to do business in this State may not:

A. Limit coverage or refuse to issue or renew coverage of an individual under a life, disability income or long-term care insurance policy due to the fact that the individual has been prescribed preexposure prophylaxis medication to prevent HIV infection; [PL 2019, c. 596, §1 (NEW).]

B. Consider the fact that an individual has been issued a prescription for preexposure prophylaxis medication to prevent HIV infection in determining the premium rate for coverage of that individual under a life, disability income or long-term care insurance policy; or [PL 2019, c. 596, §1 (NEW).]

C. Otherwise discriminate in the offering, issuance, cancellation, amount of coverage, price or any other condition of a life, disability income or long-term care insurance policy based solely and

without any additional actuarial justification upon the fact that an individual has been issued a prescription for preexposure prophylaxis medication to prevent HIV infection. [PL 2019, c. 596, §1 (NEW).]

[PL 2019, c. 596, §1 (NEW).]

SECTION HISTORY

PL 1969, c. 132, §1 (NEW). PL 1985, c. 704, §3 (AMD). PL 1989, c. 176, §2 (AMD). PL 1991, c. 3, §3 (AMD). PL 2019, c. 596, §1 (AMD).

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