

Accompanying the nineteenth recommendation of the Executive Office of Consumer Affairs and Business Regulation (House, No. 35). Insurance.

The Commonwealth of Massachusetts

In the Year One Thousand Nine Hundred and Eighty-Eight.

AN ACT FURTHER RESTRICTING DISCRIMINATION BY INSURERS AGAINST THE BLIND, PHYSICALLY IMPAIRED AND MENTALLY RETARDED.

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
2 amended by striking out section 193T, as appearing in the 1986
3 Official Edition of the General Laws of Massachusetts, and insert-
4 ing in place thereof the following section: —

5 193T. (1) No insurance company or savings and insurance bank
6 offering for sale policies of life, accident, health, disability, or
7 sickness insurance, or any other policy of insurance, shall make
8 any distinction or discrimination as to the issuance of such policy
9 or the rates or premiums charged or to other benefits payable
10 thereon, or in any other terms and conditions of such contract,
11 or in any other manner whatever on the basis of the insured's
12 blindness or partial blindness; provided that coverage against
13 disability due solely to blindness or partial blindness is not
14 required if blindness or partial blindness exists at the time the
15 contract or policy is issued.

16 (2) No insurance company or savings and insurance bank offer-
17 ing for sale policies of life, accident, health, disability, or sickness
18 insurance, or any other policy of insurance, shall make any distinc-
19 tion or discrimination as to the issuance of such policy or the rates
20 or premiums charged or to other benefits payable thereon, or in
21 any other terms and conditions of such contract, or in any other
22 manner whatever solely on the basis of the insured's physical

23 impairment or mental retardation except when and to the extent
24 that bona fide statistical difference in risk have been substantiated,
25 provided that coverage against a specific disability is not required
26 if that disability exists at the time the contract or policy is issued.
27 Such statistical differences must be justified by claims experience
28 and sound actuarial projections, which together must be sufficient
29 to establish significant and substantial differences in class rates
30 or coverage.

31 This section shall apply to any person who has physical impair-
32 ment or mental retardation to a degree which substantially limits
33 one or more of such person's major life activities, has a record
34 of such impairment or retardation, or is regarded as having such
35 condition.

1 SECTION 2. Section 3(12) of Chapter 176D, as appearing in
2 the 1986 Official Edition, is hereby amended by deleting the words
3 "or one hundred ninety-three K" and inserting in place thereof
4 the following words "one hundred and ninety-three K, or nine
5 hundred and ninety-three T".

1 SECTION 3. Section 3 of Chapter 176D, as appearing in the
2 1986 Official Edition, is hereby amended by inserting the
3 following two paragraphs immediately after paragraph (7)
4 thereof:

5 (7A) Making or permitting any distinction or discrimination
6 as to the issuance of any contract of life insurance or life annuity
7 or any policy or contract of accident or health insurance or as
8 to the rates or premiums charged or other benefits payable
9 thereon, or in any other terms and conditions of such contract
10 or policy on the basis of the insured's blindness. With respect to
11 any underlying cause of the blindness or partial blindness, persons
12 who are blind or partially blind shall be subject to the same
13 actuarial and underwriting standards as are applicable to sighted
14 persons. Nothing in this paragraph shall be construed to require
15 coverage against disability due solely to blindness or partial
16 blindness if blindness exists at the time the contract or policy is
17 issued.

18 (7B) Making or permitting any distinction or discrimination as
19 to the issuance of any contract of life insurance or life annuity
20 or any policy or contract of accident or health insurance or as
21 to the rates or premiums charged or other benefits payable
22 thereon, or in any other terms and conditions of such contract
23 or policy solely on the basis of the insured's physical impairment
24 or mental retardation, except when and to the extent that bona
25 fide statistical differences in risk have been substantiated,
26 provided that coverage against a specific disability is not required
27 if that disability exists at the time the contract or policy is issued.
28 Such statistical differences must be justified by claims experience
29 and sound actuarial projections, which together must be sufficient
30 to establish significant and substantial differences in class rates
31 or coverage.

32 This section shall apply to any person who has physical impair-
33 ment or mental retardation to a degree which substantially limits
34 one or more of such person's major life activities, has a record
35 of such impairment or retardation, or is regarded as having such
36 condition.

