

By Ms. Gibson of Belmont, petition of Mary Jane Gibson, other members of the General Court and another for legislation to prohibit discrimination relative to insurance contracts. Insurance.

**The Commonwealth of Massachusetts**

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

AN ACT PROHIBITING DISCRIMINATION WITH RESPECT TO INSURANCE CONTRACTS.

*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 deleting Section 24A and inserting in its place the  
3 following new section: —

4 Section 24A. (a) The General Court hereby declares that it is  
5 the policy of the commonwealth that no insurer, no fraternal  
6 benefit society as defined in section one of chapter one hundred  
7 and seventy-six, no hospital service organization as defined in  
8 section one of chapter one hundred and seventy-six A, no medical  
9 service corporation as defined in section one of chapter one  
10 hundred and seventy-six B, no medical service plan as defined in  
11 section one of chapter one hundred and seventy-six C, no dental  
12 service corporation as defined in section one of chapter one  
13 hundred and seventy-six E, no optometric service corporation as  
14 defined in section one of chapter one hundred seventy-six F, no  
15 health maintenance organization as defined in section one of  
16 chapter one hundred seventy-six G, no insured legal service plan  
17 as defined in section one of chapter one hundred seventy-six H,  
18 and no savings and insurance bank as defined in section one of  
19 chapter one hundred and seventy-eight shall, on the basis of the  
20 race, color, religion, sex, marital status or national origin of any  
21 individual or group of persons, with respect to insurance contracts  
22 to which this chapter and chapters one hundred and seventy-six,  
23 one hundred and seventy-six A, one hundred and seventy-six B,

24 one hundred and seventy-six C, one hundred seventy-six E, one  
25 hundred and seventy-six F, one hundred and seventy-six G, one  
26 hundred and seventy-six H, and one hundred and seventy-eight  
27 apply, treat any insured or any applicant for insurance, who is  
28 a resident of the Commonwealth, differently than it treats or  
29 would treat any other insured or applicant for insurance, who is  
30 a resident of the Commonwealth, with respect to the availability,  
31 terms, conditions, rates, benefits, or requirements on any such  
32 insurance contract delivered or issued for delivery within or  
33 without the commonwealth which covers one or more residents  
34 of Massachusetts. For purposes of this section, "sex" includes, but  
35 is not limited to, conditions unique to one sex, such as pregnancy.

36 (b) With respect to all contracts of insurance covering residents  
37 of the commonwealth issued or subsequently renewed by  
38 agreement between the insurer and the policyholder, within or  
39 without the commonwealth, no insurer, no fraternal benefit  
40 society as defined in section one of chapter one hundred and  
41 seventy-six, no hospital service organization as defined in section  
42 one of chapter one hundred and seventy-six A, no medical service  
43 corporation as defined in section one of chapter one hundred and  
44 seventy-six B, no medical service plan as defined in section one  
45 of chapter one hundred and seventy-six C, no dental service  
46 corporation as defined in section one of chapter one hundred and  
47 seventy-six E, no optometric service corporation as defined in  
48 section one of chapter one hundred and seventy-six F, no health  
49 maintenance organization as defined in section one of chapter one  
50 hundred and seventy-six G, no insured legal service plan as defined  
51 in section one of chapter one hundred and seventy-six H, and no  
52 savings and insurance bank as defined in section one of chapter  
53 one hundred and seventy-eight shall utilize any statistical table  
54 (whether of mortality, life expectancy, morbidity, disability,  
55 disability termination or losses) or any other statistical  
56 compilation as a basis for any action which classifies residents of  
57 the commonwealth into separate classes on the basis of race, color,  
58 religion, sex, marital status or national origin.

59 (c) With respect to all contracts of insurance existing on the  
60 date this Act becomes effective covering residents of the  
61 commonwealth which were issued or subsequently renewed by  
62 agreement between the insurer and the policyholder, within or  
63 without the commonwealth:

64 (1) No insurer, no fraternal benefit society as defined in section  
65 one of chapter one hundred and seventy-six, no hospital service  
66 organization as defined in section one of chapter one hundred and  
67 seventy-six A, no medical service corporation as defined in section  
68 one of chapter one hundred and seventy-six B, no medical service  
69 plan as defined in section one of chapter one hundred and seventy-  
70 six C, no dental service corporation as defined in section one of  
71 chapter one hundred and seventy-six E, no optometric service  
72 corporation as defined in section one of chapter one hundred and  
73 seventy-six F, no health maintenance organization as defined in  
74 section one of chapter one hundred and seventy-six G, no insured  
75 legal service plan as defined in section one of chapter one hundred  
76 and seventy-six H, and no savings and insurance bank as defined  
77 in section one of chapter one hundred and seventy-eight shall  
78 charge to or collect premium payments or contributions from  
79 residents of the commonwealth which become due after the  
80 effective date of this act or determine the amount of or pay to  
81 any insured or other beneficiary under an insurance, annuity or  
82 pension contract any periodic or lump sum payment after the  
83 effective date of this act if such charge, collection, determination  
84 or payment is based, directly or indirectly, on the race, color,  
85 religion, sex, marital status or national origin of any person or  
86 group of persons or on any statistical table whose use would, if  
87 applied to contracts made after the effective date of this Act,  
88 violate any provision of this section; and

89 (2) An insurer, a fraternal benefit society as defined in section  
90 one of chapter one hundred and seventy-six, a hospital service  
91 organization as defined in section one of chapter one hundred and  
92 seventy-six A, a medical service corporation as defined in section  
93 one of chapter one hundred and seventy-six B, a medical service  
94 plan as defined in section one of chapter one hundred and seventy-  
95 six C, a dental service corporation as defined in section one of  
96 chapter one hundred and seventy-six E, an optometric service  
97 corporation as defined in section one of chapter one hundred and  
98 seventy-six F, a health maintenance organization as defined in  
99 section one of chapter one hundred and seventy-six G, an insured  
100 legal service plan as defined in section one of chapter one hundred  
101 and seventy-six H, and a savings and insurance bank as defined  
102 in section one of chapter one hundred and seventy-eight may





