



AN ACT ALLOWING SEX TO BE CONSIDERED WHEN ISSUING OR PROVIDING CERTAIN INSURANCE COVERAGE; DECLARING USE OF ACTUARIAL TABLES TO BE A NONDISCRIMINATORY APPROACH TO SETTING PREMIUMS; PROVIDING AN EXCEPTION FOR PREMIUM RATES ASSOCIATED WITH DISABILITY INSURANCE; AMENDING SECTION 49-2-309, MCA; AND PROVIDING 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~~ A financial institution or person to may not discriminate solely on the basis of ~~sex or~~ 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."

Section 2. Applicability. [This act] applies to insurance contracts entered into or renewed on or after

[the effective date of this act].

- END -

I hereby certify that the within bill,
HB 0283, originated in the House.

Chief Clerk of the House

Speaker of the House

Signed this _____ day
of _____, 2011.

President of the Senate

Signed this _____ day
of _____, 2011.

HOUSE BILL NO. 283

INTRODUCED BY L. BANGERTER, O'HARA, WARBURTON, FLYNN , VANCE, WITTICH, C. SMITH,
KLOCK, BLASDEL, BURNETT, MCGILLVRAY, REICHNER, WASHBURN, WELBORN, LONEY, STAHL,
ARTHUN, MILBURN, SONJU, VINCENT, J. PETERSON

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