

1 \_\_\_\_\_ BILL NO. \_\_\_\_\_

2 INTRODUCED BY \_\_\_\_\_  
3 (Primary Sponsor)

4 A BILL FOR AN ACT ENTITLED: "AN ACT DECLARING THE USE OF ACTUARIAL TABLES BASED ON SEX  
5 TO BE A NONDISCRIMINATORY APPROACH TO SETTING INSURANCE PREMIUM RATES, EXCEPT AS  
6 PROHIBITED BY FEDERAL LAW; AMENDING SECTION 49-2-309, MCA; AND PROVIDING AN  
7 APPLICABILITY DATE."

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9 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

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11 **Section 1.** Section 49-2-309, MCA, is amended to read:

12 **"49-2-309. Discrimination in insurance and retirement plans.** (1) ~~It is an unlawful discriminatory~~  
13 ~~practice for a~~ financial institution or person ~~to~~ may not discriminate solely on the basis of sex or marital status  
14 in the issuance or operation of any type of insurance policy, plan, or coverage or in any pension or retirement  
15 plan, program, or coverage, including discrimination in regard to rates or premiums and payments or benefits.

16 (2) This section does not apply to any insurance policy, plan, or coverage or to any pension or  
17 retirement plan, program, or coverage in effect prior to October 1, 1985.

18 (3) It is not a violation of the prohibition against marital status discrimination in this section for an  
19 employer to provide greater or additional contributions to a bona fide group insurance plan for employees with  
20 dependents than to those employees without dependents or with fewer dependents.

21 (4) Except as prohibited under 45 CFR, part 147, implementing the Patient Protection and Affordable  
22 Care Act as of October 1, 2021, it is not a violation of the prohibition against sex discrimination in this section  
23 for a person to use industry-approved actuarial standards based on sex in establishing insurance premium  
24 rates."

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26 **NEW SECTION. Section 2. Applicability.** [This act] applies to insurance contracts entered into or  
27 renewed on or after January 1, 2022.

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