



AN ACT DECLARING THE USE OF ACTUARIAL TABLES BASED ON SEX OR MARITAL STATUS TO BE A NONDISCRIMINATORY APPROACH TO SETTING INSURANCE PREMIUM RATES, EXCEPT AS PROHIBITED BY FEDERAL LAW; 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 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 prohibited under 45 CFR, part 147, implementing the Patient Protection and Affordable Care Act as of October 1, 2021, it is not a violation of the prohibition against sex or marital status discrimination in this section for a person to use accepted ratemaking methodologies based on sex or marital status in establishing insurance premium rates."

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

- END -

I hereby certify that the within bill,  
HB 379, originated in the House.

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Chief Clerk of the House

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Speaker of the House

Signed this \_\_\_\_\_ day  
of \_\_\_\_\_, 2021.

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President of the Senate

Signed this \_\_\_\_\_ day  
of \_\_\_\_\_, 2021.

HOUSE BILL NO. 379

INTRODUCED BY S. VINTON, L. BREWSTER, R. KNUDSEN

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