

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That Sections 223(b), 226(c) and 234A(b) of Article 48A - Insurance Code, of the Annotated Code of Maryland (1972 Replacement Volume and 1974 Supplement) be and they are hereby repealed and re-enacted, with amendments, to read as follows:

Article 48A - Insurance Code

223.

(b) (1) No Person shall make or permit any unfair discrimination between individuals of the same class and of essentially the same hazard in the amount of premium, policy fees, or rates charged for any policy or contract of health insurance or in the benefits payable thereunder, or in any of the terms, or conditions of such contract, or in any other manner whatever.

(2) NOTWITHSTANDING ANY OTHER PROVISIONS IN THIS SECTION, AN INSURER MAY NOT MAKE OR PERMIT ANY DIFFERENTIAL IN RATINGS, PREMIUM PAYMENTS OR DIVIDENDS FOR ANY REASON BASED ON THE SEX OF AN APPLICANT OR POLICYHOLDER UNLESS THERE IS ACTUARIAL JUSTIFICATION FOR THE DIFFERENTIAL.

226.

(c) (1) No Insurer shall make or permit any unfair discrimination between insureds or property having like insuring or risk characteristics, in the premium or rates charged for insurance, or in the dividends or other benefits payable thereon, or in any other of the terms and conditions of the insurance.

(2) NOTWITHSTANDING ANY OTHER PROVISIONS IN THIS SECTION, AN INSURER MAY NOT MAKE OR PERMIT ANY DIFFERENTIAL IN RATINGS, PREMIUM PAYMENTS OR DIVIDENDS FOR ANY REASON BASED ON THE SEX OF AN APPLICANT OR POLICYHOLDER UNLESS THERE IS ACTUARIAL JUSTIFICATION FOR THE DIFFERENTIAL.

234A.

(b) No insurer shall require the existence of special conditions, facts, or situations as a condition to its acceptance or renewal of, a particular insurance risk or class of risks in an arbitrary, capricious, unfair, or discriminatory manner based in whole or part upon the race, creed, color, SEX, religion, national origin, or place of residency. ACTUARIAL JUSTIFICATION MAY BE CONSIDERED WITH RESPECT TO SEX.