

(3) An insurer may not refuse to insure or make or permit any differential in ratings, premium payments, or dividends in connection with life insurance and life annuity contracts solely because the applicant or policyholder has the sickle-cell trait, thalassemia-minor trait, hemoglobin C trait, Tay-Sachs trait, or any genetic trait which is harmless within itself, unless there is actuarial justification for it.

(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.

(3) (I) Notwithstanding any other provisions in this section, an insurer may not make or permit any differential in ratings, premium payments or dividends FOR HEALTH INSURANCE CONTRACTS for any reason based on the blindness or other physical handicap or disability of an applicant or policyholder [unless there is actuarial].

(II) ACTUARIAL justification for the differential MAY BE CONSIDERED FOR A PHYSICAL HANDICAP OR DISABILITY OTHER THAN BLINDNESS OR HEARING IMPAIRMENT.

(4) An insurer may not make or permit any differential in ratings, premium payments, or dividends in connection with a health insurance contract solely because the applicant or policyholder has the sickle-cell trait, thalassemia-minor trait, hemoglobin C trait, Tay-Sachs trait, or any genetic trait which is harmless within itself, unless there is actuarial justification for it.

SECTION 2. AND BE IT FURTHER ENACTED, That it is the intent of the General Assembly that with respect to all other conditions, including the underlying cause of the blindness, partial blindness, or hearing impairment, persons who are blind, partially blind, or hearing impaired shall be subject to the same standards of sound actuarial principles or actual or reasonably anticipated experience as are sighted persons or persons with no hearing impairment.

SECTION -2- 3 . AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 1986.

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