

(1990 Replacement Volume and 1995 Supplement)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That the Laws of Maryland read as follows:

Article 48A – Insurance Code

234C.

If the Commissioner in a specific instance shall make a finding that an insurer has violated [§ 234A or § 234B,] § 234A, § 234B, OR § 234D, he may, in addition to the exercise of any power granted elsewhere in this article, order the insurer to accept the risk, or accept the business, as the case may be. All hearings and proceedings conducted under this section and §§ 234A [and 234B], 234B, AND 234D of this article, as well as any decision of the Commissioner, shall be subject to appeal by any party involved; said hearings, proceedings, and appeal shall be in accordance with the provisions of § 40 of this article.

234D.

(A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.

(2) "ABUSE" HAS THE MEANING STATED IN § 4-501 OF THE FAMILY LAW ARTICLE.

~~(3) "VICTIM OF DOMESTIC VIOLENCE" HAS THE MEANING STATED IN § 4-513 OF THE FAMILY LAW ARTICLE.~~

(3) "COHABITANT" MEANS A PERSON WHO HAS HAD A SEXUAL RELATIONSHIP WITH AN INDIVIDUAL AND RESIDED WITH THE INDIVIDUAL FOR A PERIOD OF AT LEAST 90 DAYS.

(4) "VICTIM OF DOMESTIC VIOLENCE" MEANS AN INDIVIDUAL WHO:

(I) HAS RECEIVED DELIBERATE, SEVERE, AND DEMONSTRABLE PHYSICAL INJURY FROM A CURRENT OR FORMER SPOUSE, OR A CURRENT OR FORMER COHABITANT; OR

(II) IS IN FEAR OF IMMINENT DELIBERATE, SEVERE, AND DEMONSTRABLE PHYSICAL INJURY FROM A CURRENT OR FORMER SPOUSE, OR A CURRENT OR FORMER COHABITANT.

(B) EXCEPT AS OTHERWISE PROVIDED IN THIS ARTICLE, IF AN INDIVIDUAL IS OR MAY BE A VICTIM OF DOMESTIC VIOLENCE OR SUBJECT TO ABUSE, AN INSURER, NONPROFIT HEALTH SERVICE PLAN, OR HEALTH MAINTENANCE ORGANIZATION MAY NOT USE INFORMATION ABOUT ABUSE OR THE INDIVIDUAL'S STATUS AS A VICTIM OF DOMESTIC VIOLENCE TO:

(1) CANCEL, REFUSE TO UNDERWRITE OR RENEW, OR REFUSE TO ISSUE A POLICY OF LIFE INSURANCE OR HEALTH INSURANCE OR A HEALTH BENEFITS PLAN;