

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.

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(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;

(2) REFUSE TO PAY A CLAIM, CANCEL, OR OTHERWISE TERMINATE A POLICY OF LIFE INSURANCE OR HEALTH INSURANCE OR A HEALTH BENEFITS PLAN;

(3) INCREASE RATES FOR LIFE INSURANCE, HEALTH INSURANCE, OR A HEALTH BENEFITS PLAN; OR

(4) IN LIFE INSURANCE POLICIES AND HEALTH BENEFITS PLANS, ADD A SURCHARGE, APPLY A RATING FACTOR, OR USE ANY OTHER UNDERWRITING PRACTICE THAT ADVERSELY TAKES INTO ACCOUNT THE INFORMATION.

~~(C) AN INSURER IS NOT SUBJECT TO CIVIL LIABILITY FOR ANY TORT CAUSE OF ACTION ARISING FROM INJURY TO OR DEATH OF AN INDIVIDUAL FOR WHOM A~~