PAYMENTS, OR DIVIDENDS FOR CONTRACTS OF LIFE INSURANCE OR ANNUITY CONTRACTS FOR A REASON BASED ON THE BLINDNESS OR OTHER PHYSICAL HANDICAP OR DISABILITY OF AN APPLICANT OR POLICYHOLDER.

(II) ACTUARIAL JUSTIFICATION FOR THE DIFFERENTIAL MAY BE CONSIDERED FOR A PHYSICAL HANDICAP OR DISABILITY OTHER THAN BLINDNESS OR HEARING IMPAIRMENT.

(3) UNLESS THERE IS ACTUARIAL JUSTIFICATION, AN INSURER MAY NOT REFUSE TO INSURE OR MAKE OR ALLOW A DIFFERENTIAL IN RATINGS, PREMIUM PAYMENTS, OR DIVIDENDS IN CONNECTION WITH LIFE INSURANCE AND ANNUITY CONTRACTS SOLELY BECAUSE THE APPLICANT OR POLICYHOLDER HAS THE SICKLE-CELL TRAIT, THALASSEMIA-MINOR TRAIT, HEMOGLOBIN C TRAIT, TAY-SACHS TRAIT, OR A GENETIC TRAIT THAT IS HARMLESS IN ITSELF.

(B) HEALTH INSURANCE.

(1) A PERSON MAY NOT MAKE OR ALLOW UNFAIR DISCRIMINATION BETWEEN INDIVIDUALS OF THE SAME CLASS AND OF ESSENTIALLY THE SAME HAZARD:

(I) IN THE AMOUNT OF PREMIUM, POLICY FEES, OR RATES CHARGED FOR A POLICY OR CONTRACT OF HEALTH INSURANCE;

(II) IN THE BENEFITS PAYABLE UNDER A POLICY OR CONTRACT OF HEALTH INSURANCE;

(III) IN ANY OF THE TERMS OR CONDITIONS OF A POLICY OR CONTRACT OF HEALTH INSURANCE; OR

(IV) IN ANY OTHER MANNER.

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

(3) (I) EXCEPT AS PROVIDED IN § 27-909 OF THIS TITLE AND NOTWITHSTANDING ANY OTHER PROVISION OF THIS SECTION, AN INSURER MAY NOT MAKE OR ALLOW A DIFFERENTIAL IN RATINGS, PREMIUM PAYMENTS, OR DIVIDENDS FOR CONTRACTS OF HEALTH INSURANCE FOR A REASON BASED ON THE BLINDNESS OR OTHER PHYSICAL HANDICAP OR DISABILITY OF AN APPLICANT OR POLICYHOLDER.

(II) EXCEPT AS PROVIDED IN § 27-909 OF THIS TITLE, ACTUARIAL JUSTIFICATION FOR THE DIFFERENTIAL MAY BE CONSIDERED FOR A PHYSICAL HANDICAP OR DISABILITY OTHER THAN BLINDNESS OR HEARING IMPAIRMENT.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 48A, § 223.

In subsection (a)(1)(i) and (3) of this section, the references to an "annuity