

## Article - Insurance

27-208.

(a) (1) A person may not make or allow unfair discrimination between individuals of the same class and equal expectation of life in:

(i) the rates charged for a contract of life insurance or an annuity contract;

(ii) the dividends or other benefits payable on a contract of life insurance or an annuity contract; or

(iii) any of the other terms or conditions of a contract of life insurance or an annuity contract.

(2) (i) 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 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) (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] NOTWITHSTANDING any other provision of this section, an insurer may not make or