

(1) IS UNABLE TO PERFORM AT LEAST TWO ACTIVITIES OF DAILY LIVING;

(2) REQUIRES SUBSTANTIAL SUPERVISION TO PROTECT THE INDIVIDUAL FROM THREATS TO HEALTH AND SAFETY DUE TO SEVERE COGNITIVE IMPAIRMENT; OR

(3) HAS A LEVEL OF DISABILITY SIMILAR TO THAT DESCRIBED IN ITEM (1) OF THIS SUBSECTION.

(D) "CREDIT ENHANCER" INCLUDES AN AUTHORIZED INSURER THAT PROVIDES TO A VIATICAL SETTLEMENT PROVIDER STOP LOSS COVERAGE, AN ANNUITY POLICY, AN INSURANCE POLICY, OR SIMILAR COVERAGE.

(E) "FINANCING ENTITY" MEANS A PERSON:

(1) THAT IS AN UNDERWRITER, A PLACEMENT AGENT, A LENDER, A PURCHASER OF SECURITIES, A PURCHASER OF A POLICY OR CERTIFICATE FROM A VIATICAL SETTLEMENT PROVIDER, A CREDIT ENHANCER, OR AN ENTITY THAT HAS A DIRECT OWNERSHIP INTEREST IN A POLICY OR CERTIFICATE THAT IS THE SUBJECT OF A VIATICAL SETTLEMENT CONTRACT; AND

(2) (I) WHOSE PRINCIPAL ACTIVITY RELATED TO THE TRANSACTION IS PROVIDING FUNDS TO EFFECT THE VIATICAL SETTLEMENT OR PURCHASE OF ONE OR MORE VIATICATED POLICIES;

(II) THAT HAS AN AGREEMENT IN WRITING WITH ONE OR MORE REGISTERED VIATICAL SETTLEMENT PROVIDERS TO FINANCE THE ACQUISITION OF VIATICAL SETTLEMENT CONTRACTS; OR

(III) THAT IS A QUALIFIED INSTITUTIONAL BUYER, AS THAT TERM IS DEFINED IN RULE 144A OF THE FEDERAL SECURITIES ACT OF 1933.

(F) "FRAUDULENT VIATICAL SETTLEMENT ACT" MEANS A FRAUDULENT INSURANCE ACT AS DESCRIBED IN § 27-403(6) OF THIS ARTICLE.

~~(F)~~ (G) "POLICY" MEANS AN INDIVIDUAL OR GROUP POLICY, GROUP CERTIFICATE, CONTRACT, OR ARRANGEMENT OF LIFE INSURANCE THAT AFFECTS THE RIGHTS OF A RESIDENT OF THE STATE OR THAT BEARS A REASONABLE RELATION TO THE STATE, REGARDLESS OF WHETHER DELIVERED OR ISSUED FOR DELIVERY IN THE STATE.

~~(G)~~ (H) "RELATED PROVIDER TRUST" MEANS A TITLING TRUST OR OTHER TRUST THAT:

(1) IS ESTABLISHED BY A REGISTERED VIATICAL SETTLEMENT PROVIDER OR A FINANCING ENTITY FOR THE SOLE PURPOSE OF HOLDING THE OWNERSHIP OR BENEFICIAL INTEREST IN PURCHASED POLICIES IN CONNECTION WITH A FINANCING TRANSACTION; AND

(2) HAS A WRITTEN AGREEMENT WITH THE REGISTERED VIATICAL SETTLEMENT PROVIDER UNDER WHICH: