

**MODEL REGULATION ON UNFAIR DISCRIMINATION
ON THE BASIS OF BLINDNESS OR PARTIAL BLINDNESS**

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Section 1. Authority

This regulation is promulgated pursuant to the authority granted by Section 12 of the Unfair Trade Practices Act.

Section 2. Purpose

The purpose of this regulation is to identify specific acts or practices that are prohibited by Section 4G of the Unfair Trade Practices Act.

Section 3. Unfairly Discriminatory Acts or Practices

The following are hereby identified as acts or practices that constitute unfair discrimination between individuals of the same class: refusing to insure, or refusing to continue to insure, or limiting the amount, extent or kind of coverage available to an individual, or charging an individual a different rate for the same coverage solely because of blindness or partial blindness.

Drafting Note: With respect to all other conditions, including the underlying cause of the blindness or partial blindness, persons who are blind or partially blind shall be subject to the same standards of sound actuarial principles or actual or reasonably anticipated experience as are sighted persons.

Refusal to insure includes denial by an insurer of disability insurance coverage on the grounds that the policy defines “disability” as being presumed in the event that the insured loses his or her eyesight.

However, an insurer may exclude from coverage disabilities consisting solely of blindness or partial blindness when the condition existed at the time the policy was issued.

Drafting Note: States which have not adopted Section 4G or Section 12 of the NAIC Model Unfair Trade Practices Act may not be able to adopt the proposed regulation. The NAIC Task Force on Unfair Discrimination Against The Blind has developed the following statutory language designed to accomplish the same result as the proposed regulation, but which is not an official NAIC model act:

“Section 1. Unfair methods of competition and unfair or deceptive acts or practices in the business of life or accident or health insurance or annuities include: refusing to insure, or refusing to continue to insure, or limiting the amount, extent or kind of coverage available to an individual, or charging an individual a different rate for the same coverage solely because of blindness or partial blindness.

Section 2. This law shall apply to life or accident or health insurance policies or insurance contracts or annuities delivered or issued for delivery in this state by an insurer ninety (90) days after the effective date of this law.”

Chronological Summary of Actions (all references are to the Proceedings of the NAIC).

1978 Proc. II 31, 34, 266, 268, 273 (adopted).

1985 Proc. I 19, 37-38, 572-573 (amended).