

PROHIBITION ON THE USE OF DISCRETIONARY CLAUSES MODEL ACT

What are the state pages?

This chart is intended to provide readers with additional information to more easily access state statutes, regulations, bulletins or administrative rulings related to the NAIC model. Such guidance provides readers with a starting point from which they may review how each state has addressed the model and the topic being covered. The NAIC Legal Division has reviewed each state's activity in this area and has determined whether the citation most appropriately fits in the Model Adoption column, Previous Version column, or Related Activity column based on the definitions listed in the key below. The NAIC's interpretation may or may not be shared by the individual states or by interested readers.

How do you use them?

States and territories are listed alphabetically in the chart. Locate the state or territory you are interested in, and depending on which column the citation falls under, you will know whether the NAIC Legal Division has deemed a state's law to be adoption of a model or not. To perform further research, use the citations to locate state laws.

Who do I speak to if I have questions?

If you have questions or believe information related to a state should be updated, please contact Jennifer Neuerburg at jneuerburg@naic.org.

***Disclaimer:** This chart does not constitute a formal legal opinion by the NAIC staff on the provisions of state law and should not be relied upon as such. Nor does this state page reflect a determination as to whether a state meets any applicable accreditation standards. Every effort has been made to provide correct and accurate summaries to assist readers in locating useful information. Readers should consult state law for further details and for the most current information.*

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STATE PAGE KEY:

MODEL ADOPTION: States that have citations identified in this column adopted the most recent version of the NAIC model in a **substantially similar manner**. This requires states to adopt the model in its entirety but does allow for variations in style and format. States that have adopted portions of the current NAIC model will be included in this column with an explanatory note.

PREVIOUS VERSION: States that have citations identified in this column (and nothing listed in the Model Adoption column) have enacted an older version of the model but have **not** adopted the most recent version of the NAIC model.

RELATED ACTIVITY: Examples of Related Activity include but are not limited to statutes or regulations addressing the same subject matter, or other administrative guidance such as bulletins and notices. States that have citations identified in this column (and nothing listed in the Model Adoption column) have **not** adopted the most recent version of the NAIC model in a **substantially similar manner**.

NO CURRENT ACTIVITY: No state activity on the topic as of the date of the most recent update. This includes states that have repealed legislation as well as states that have never adopted legislation.

NAIC MEMBER	MODEL ADOPTION	PREVIOUS VERSION	RELATED ACTIVITY
Alabama	NO CURRENT ACTIVITY		
Alaska			ALASKA STAT. §§ 21.36.010 to 21.36.460 (2003/ 2011); § 21.42.130 (1996/1997).
American Samoa	NO CURRENT ACTIVITY		
Arizona	NO CURRENT ACTIVITY		
Arkansas	054.00.101 ARK. ADMIN. CODE §§ 1 to 7 (2013) (disability income protection).		
California			CAL. INS. CODE § 10110.6 (2011); LETTER OPINION 2-26-2004 (2004); INS. DEP'T NOTICE 2-27-2004 (2004).
Colorado			COLO. REV. STAT. § 10-3-1116 (2) (2008).
Connecticut			HEALTH CARE BULLETIN HC-67 (2008).
Delaware	NO CURRENT ACTIVITY		
District of Columbia	NO CURRENT ACTIVITY		

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NAIC MEMBER	MODEL ADOPTION	PREVIOUS VERSION	RELATED ACTIVITY
Florida	NO CURRENT ACTIVITY		
Georgia	NO CURRENT ACTIVITY		
Guam	NO CURRENT ACTIVITY		
Hawaii			HAW. REV. STAT. ANN. §§ 431:13-101 to 431:13-108 (1987); MEMORANDUM 2004-13H (2004).
Idaho			IDAHO ADMIN. CODE r. 18.01.29.000 to 18.01.29.012 (2009).
Illinois	ILL. ADMIN. CODE tit. 50, § 2001.3 (2005).		BULLETIN 2010-5 (2010).
Indiana			BULLETIN 103 (2001).
Iowa	NO CURRENT ACTIVITY		
Kansas	NO CURRENT ACTIVITY		
Kentucky			ADVISORY OPINION 2010-01 (2010).
Louisiana	NO CURRENT ACTIVITY		
Maine			ME. REV. STAT. ANN. tit. 24-A, § 4303(11) (1995/2019) (managed care).
Maryland	MD. CODE ANN., INS. 12-211 (2011) (disability).		
Massachusetts	NO CURRENT ACTIVITY		
Michigan			MICH. ADMIN. CODE r. 500.2201 to 500.2202 (2007); 550.302 (2007).
Minnesota			MINN. STAT. § 62Q.107 (1998).
Mississippi	NO CURRENT ACTIVITY		
Missouri	NO CURRENT ACTIVITY		
Montana	NO CURRENT ACTIVITY		

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NAIC MEMBER	MODEL ADOPTION	PREVIOUS VERSION	RELATED ACTIVITY
Nebraska	NO CURRENT ACTIVITY		
Nevada	NO CURRENT ACTIVITY		
New Hampshire			N.H. CODE ADMIN. R. ANN. INS. 401.04 (2008/2009).
New Jersey			N.J. ADMIN. CODE §§ 11:4-58.1 to 11:4-58.4 (2007).
New Mexico	NO CURRENT ACTIVITY		
New York			CIRCULAR LETTER 2006-14 (2006).
North Carolina	NO CURRENT ACTIVITY		
North Dakota	NO CURRENT ACTIVITY		
Northern Marianas	NO CURRENT ACTIVITY		
Ohio	NO CURRENT ACTIVITY		
Oklahoma	NO CURRENT ACTIVITY		
Oregon			OR. REV. STAT. § 742.005 (1991/1999).
Pennsylvania	NO CURRENT ACTIVITY		
Puerto Rico	P.R. LAWS ANN. tit. 26, §§ 9201 to 9204 (2011).		
Rhode Island			R.I. GEN. LAWS § 27-18-79 (2013); § 27-20.1-21 (2013) (dental); § 27-34.2-22 (2013) (long-term care).
South Carolina	NO CURRENT ACTIVITY		
South Dakota			S.D. ADMIN. R. 20:06:52:01 to 20:06:52:03 (2008).
Tennessee	NO CURRENT ACTIVITY		

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NAIC MEMBER	MODEL ADOPTION	PREVIOUS VERSION	RELATED ACTIVITY
Texas			TEXAS CODE ANN. § 1271.057 (2011) (evidence of coverage); § 1701.062 (2011); 28 TEX. ADMIN. CODE §§ 3.1201 to 3.1203 (2010).
Utah			BULLETIN 2002-7 (2002).
Vermont	VT. STAT. ANN. tit. 8, § 4062f (2011).		
Virgin Islands	NO CURRENT ACTIVITY		
Virginia	NO CURRENT ACTIVITY		
Washington			WASH. ADMIN. CODE 284-44-015 (2009) (health care); 284-46-015 (2009) (health maintenance organizations); 284-50-321 (2009) (disability); 284-96-012 (2009) (group).
West Virginia	NO CURRENT ACTIVITY		
Wisconsin	NO CURRENT ACTIVITY		
Wyoming			WYO. STAT. ANN. §§ 26-13-301 to 26-13-305 (2009).