

SENATE BILL 312

C4

9lr1073

By: **Senators Lam, Ferguson, Klausmeier, Patterson, Pinsky, Rosapepe, and Young**

Introduced and read first time: January 30, 2019

Assigned to: Finance

A BILL ENTITLED

1 AN ACT concerning

2 **Life Insurance – Prohibition on Discrimination – Opioid Overdose Reversal**
3 **Drug**

4 FOR the purpose of prohibiting an insurer, based solely on information about the purchase
5 or possession of an opioid overdose reversal drug by an applicant or insured or a
6 prescription for an opioid overdose reversal drug prescribed to an applicant or
7 insured, from taking certain actions relating to a policy of life insurance; providing
8 for the construction and application of this Act; defining a certain term; providing for
9 a delayed effective date; and generally relating to prohibitions on discrimination
10 with respect to life insurance.

11 BY adding to
12 Article – Insurance
13 Section 27–501(s)
14 Annotated Code of Maryland
15 (2017 Replacement Volume and 2018 Supplement)

16 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
17 That the Laws of Maryland read as follows:

18 **Article – Insurance**

19 27–501.

20 **(S) (1) IN THIS SUBSECTION, “OPIOID OVERDOSE REVERSAL DRUG” HAS**
21 **THE MEANING STATED IN § 13–3501 OF THE HEALTH – GENERAL ARTICLE.**

22 **(2) AN INSURER MAY NOT, BASED SOLELY ON INFORMATION ABOUT**
23 **THE PURCHASE OR POSSESSION OF AN OPIOID OVERDOSE REVERSAL DRUG BY AN**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 **APPLICANT OR INSURED OR A PRESCRIPTION FOR AN OPIOID OVERDOSE REVERSAL**
2 **DRUG PRESCRIBED TO AN APPLICANT OR INSURED:**

3 **(I) CANCEL, REFUSE TO UNDERWRITE OR RENEW, OR REFUSE**
4 **TO ISSUE A POLICY OF LIFE INSURANCE;**

5 **(II) REFUSE TO PAY A CLAIM OR OTHERWISE TERMINATE A**
6 **POLICY OF LIFE INSURANCE;**

7 **(III) INCREASE RATES FOR LIFE INSURANCE; OR**

8 **(IV) FOR A POLICY OF LIFE INSURANCE, ADD A SURCHARGE,**
9 **APPLY A RATING FACTOR, OR USE ANY OTHER UNDERWRITING PRACTICE THAT**
10 **ADVERSELY TAKES THE INFORMATION INTO ACCOUNT.**

11 **(3) THIS SUBSECTION MAY NOT BE INTERPRETED TO PRECLUDE AN**
12 **INSURER FROM USING MENTAL OR PHYSICAL MEDICAL CONDITIONS, REGARDLESS**
13 **OF CAUSE, IN DETERMINING THE ELIGIBILITY, RATE, OR UNDERWRITING**
14 **CLASSIFICATION OF THE APPLICANT OR INSURED.**

15 **SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall apply to all life**
16 **insurance policies issued, delivered, or renewed in the State on or after January 1, 2020.**

17 **SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect**
18 **January 1, 2020.**