

MAINE STATE LEGISLATURE

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L.D. 444

(Filing No. S- 66)

STATE OF MAINE
SENATE
114TH LEGISLATURE
FIRST REGULAR SESSION

COMMITTEE AMENDMENT "A" to S.P. 196, L.D. 444, Bill, "An Act to Prohibit Discrimination Against Persons with the Human Immunodeficiency Virus for Purposes of Insurance Coverage"

Amend the bill by striking out everything after the enacting clause and before the statement of fact and inserting in its place the following:

Sec. 1. 24 MRSA §2332-B is enacted to read:

§2332-B. Acquired Immune Deficiency Syndrome

No individual or group hospital, medical or health care service contract delivered or issued for delivery in this State, other than a contract which provides benefits for specific diseases or accidental injuries only, may provide more restrictive coverage for Acquired Immune Deficiency Syndrome or AIDS, AIDS Related Complex (ARC) or HIV related diseases, or for related services, than for any other disease or sickness or exclude coverage for AIDS, ARC or HIV related diseases except through an exclusion under which all diseases and sicknesses are treated the same.

Sec. 2. 24-A MRSA §2159, sub-§§3 and 4 are enacted to read:

3. It shall be an unfair trade practice in the business of insurance for any insurer to discriminate unfairly against any person who has tested positive for the presence of the human immunodeficiency antigen or the presence of an antibody to the human immunodeficiency virus or who has Acquired Immune Deficiency Syndrome, provided that nothing in this subsection prohibits an insurer from treating individuals of different classes and of unequal expectations of life, or essentially different hazards, differently in accordance with subsection 1 or 2.

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4. It shall not be unfair discrimination for group life insurance policies or contracts subject to chapter 31 to contain an exclusion or restriction for death caused by Acquired Immune Deficiency Syndrome (AIDS), AIDS Related Complex (ARC) or HIV related diseases which existed 6 months prior to the individual's effective date of insurance if an actuarial justification is filed and approved by the superintendent. The exclusion or restriction may run for no longer than the incontestable period of the policy within the meaning of section 2615.

Sec. 3. 24-A MRSA §2526-A is enacted to read:

§2526-A. Acquired Immune Deficiency Syndrome

No individual policy of life insurance delivered or issued for delivery in this State may provide more restrictive coverage for death resulting from Acquired Immune Deficiency Syndrome (AIDS), AIDS Related Complex (ARC) or HIV related diseases than for death resulting from any other disease or sickness or exclude coverage for death resulting from AIDS, ARC or HIV related diseases. This section shall not apply to death by accident or accidental means.

Sec. 4. 24-A MRSA §2629 is enacted to read:

§2629. Acquired Immune Deficiency Syndrome

No group life insurance policy delivered or issued for delivery in this State may provide more restrictive coverage for death resulting from Acquired Immune Deficiency Syndrome (AIDS), AIDS Related Complex (ARC) or HIV related diseases than the death resulting from any other disease or sickness or exclude coverage for death resulting from AIDS, ARC or HIV related diseases except through an exclusion under which deaths resulting from all sicknesses and diseases are treated the same or as provided by section 2159, subsection 4. This section shall not apply to death by accident or accidental means.

Sec. 5. 24-A MRSA §2750 is enacted to read:

§2750. Acquired Immune Deficiency Syndrome

No individual or family health insurance policy delivered or issued for delivery in this State may provide more restrictive benefits for sickness or disablement or the related expenses resulting from Acquired Immune Deficiency Syndrome (AIDS), AIDS Related Complex (ARC) or HIV related diseases than for any other sickness or disabling condition or exclude benefits for AIDS, ARC or HIV related diseases except through an exclusion under which all sickness and diseases are treated the same. This section shall

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1 not apply to a policy providing benefits for specific diseases or
2 accidental injury only.

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Sec. 6. 24-A MRSA §2846 is enacted to read:

5

6 §2846. Acquired Immune Deficiency Syndrome

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8 No group health insurance policy delivered or issued for
9 delivery in this State may provide more restrictive benefits for
10 sickness or disablement or the related expenses resulting from
11 Acquired Immune Deficiency Syndrome (AIDS), AIDS Related Complex
12 (ARC) or HIV related diseases than for any other sickness or
13 disabling condition or exclude benefits for AIDS, ARC or HIV
14 related diseases except through an exclusion under which all
15 sicknesses and diseases are treated the same. This section shall
16 not apply to a policy providing benefits for specific diseases or
17 accidental injury only.

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Sec. 7. 24-A MRSA §4120, sub-§2, as enacted by PL 1969, c.
132, §1, is amended to read:

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2. No life benefit certificate shall ~~may~~ be delivered or
22 issued for delivery in this State containing in substance any of
23 the following provisions:

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A. Any provision limiting the time within which any action
26 at law or in equity may be commenced to less than 2 years
27 after the cause of action shall accrue;

29

B. Any provision by which the certificate shall purport to
30 be issued or to take effect more than 6 months before the
31 original application for the certificate was made, except in
32 case of transfer from one form of certificate to another in
33 connection with which the member is to receive credit for
34 any reserve accumulation under the form of certificate from
35 which the transfer is made; ~~or~~

37

C. Any provision for forfeiture of the certificate for
38 failure to repay any loan thereon or to pay interest on such
39 loan while the total indebtedness, including interest, is
40 less than the load value of the certificate; ~~or~~

41

D. Any provision providing more restrictive coverage or
42 excluding coverage for death resulting from Acquired Immune
43 Deficiency Syndrome (AIDS), AIDS Related Complex (ARC) or
44 HIV related diseases except this provision shall not apply
45 to death by accident or accidental means.

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Sec. 8. 24-A MRSA §4121-A is enacted to read:

§4121-A. Acquired Immune Deficiency Syndrome

No certificate providing health insurance benefits delivered or issued for delivery in this State, other than a certificate providing benefits for specific diseases or accidental injuries only, may provide more restrictive coverage for Acquired Immune Deficiency Syndrome (AIDS), AIDS Related Complex or HIV related diseases than for any other disease or sickness or exclude coverage for Acquired Immune Deficiency Syndrome (AIDS), AIDS Related Complex (ARC) or HIV related diseases except through an exclusion under which all sicknesses and diseases are treated the same.

Sec. 9. 24-A MRSA §4229 is enacted to read:

§4229. Acquired Immune Deficiency Syndrome

No policy, contract or certificate delivered or issued for delivery in this State may provide more restrictive coverage for Acquired Immune Deficiency Syndrome (AIDS), AIDS Related Complex or HIV related diseases than for any other disease or sickness or exclude coverage for AIDS, ARC or HIV related diseases except through an exclusion under which all sicknesses and diseases are treated the same.'

STATEMENT OF FACT

This amendment:

1. Expands the protection of the bill to include persons with AIDS Related Complex (ARC) or HIV related diseases, as well as those with AIDS;
2. Clarifies that across-the-board exclusions from coverage of all diseases and sicknesses are not prohibited from applying to AIDS as long as all diseases are treated the same; and
3. Clarifies that, in the case of group life insurance coverage, a disease-specific exclusion is permissible for death caused by AIDS, ARC or HIV related diseases which existed 6 months prior to the individual's effective date of coverage if an actuarial justification is filed and approved by the Superintendent of Insurance.