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REGULATION NO. 87-101

UNFAIR TRADE PRACTICES DISCRIMINATION ON THE BASIS OF BLINDNESS OR PARTIAL BLINDNESS

- SECTION 1. AUTHORITY AND PURPOSE
- SECTION 2. DEFINITIONS
- SECTION 3. APPLICABILITY AND SCOPE
- SECTION 4. PROHIBITION
- SECTION 5. UNFAIRLY DISCRIMINATORY ACTS OR PRACTICES

Section 1. Authority and Purpose.

This Regulation is promulgated by the Commissioner of Insurance of the State of Mississippi to implement Section 83-5-5, 83-5-29, 83-5-31, 83-5-33, 83-5-35(g), and 83-5-45 of the Mississippi Code of 1972, Annotated and Amended, and is promulgated with an effective date of thirty (30) days after promulgation and filing with the Office of the Secretary of State upon compliance with the applicable statutes.

The purpose of this regulation is to state that individuals who are blind or partially blind, do not, for that reason, constitute a class. Therefore, individuals who are blind or partially blind will not, solely on that basis, be unfairly discriminated against in the amount of premium, policy fees or rates charged for any contract of life, accident or health insurance or in benefits payable thereunder, or in any of the terms or conditions of such contract, or of life annuity or in the dividends or other benefits payable thereon or in any other of the terms and conditions of such contracts or in any manner whatsoever.

Section 2. Definitions.

(a) For the purpose of this regulation, "contract" shall mean "insurance policy" or "insurance contract" as defined in Section 83-5-5 and as specifically provided for in Chapter 7 and 9 of Title 83 of the Mississippi Code of 1972.

(b) "Person" shall mean "person" as defined in Section 83-5-31(a) of the Mississippi Code of 1972.

Section 3. Applicability and Scope.

This regulation shall apply to all contracts delivered or issued for delivery in this state by a person on or after the effective date of this regulation and to all existing group contracts which are amended or renewed on or after the effective date of this regulation.

Nothing contained in this regulation shall be construed to prohibit discrimination between individuals of the same class who do not have equal expectation of life or who have expected risk of loss different than that of other individuals of the same class.

Section 4. Prohibition.

For the purposes of Section 83-5-35 (g) (1) (2) of the Code, individuals shall not be considered to be of the same class solely because such individuals are blind or partially blind.

Section 5. Unfairly Discriminatory Acts or Practices.

The following are hereby identified as acts or practices which 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.

