

1 Department of Commerce

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3 Adopted Rules Prohibiting Sex Discrimination in Insurance

4 Contracts

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6 Rules as Adopted

7 2735.0100 DEFINITIONS.

8 Subpart 1. Scope. For the purposes of parts 2735.0100 to
9 2735.0500, the terms defined in this part have the meanings
10 given them.

11 Subp. 2. Contracts. "Contracts" means any insurance
12 policy, plan, group contract certificate, or binder, including
13 any rider or endorsement offered by an insurer.

14 Subp. 3. Insurer. "Insurer" means any insurance company,
15 association, reciprocal or interinsurance exchange, nonprofit
16 hospital plan, nonprofit professional health service plan,
17 health maintenance organization, fraternal benefit society, or
18 beneficial association.

19 2735.0200 PURPOSE.

20 The purpose of parts 2735.0100 to 2735.0500 is to eliminate
21 the act of denying benefits or coverage on the basis of sex or
22 marital status in the terms and conditions of insurance
23 contracts and in the underwriting criteria of insurance carriers.

24 2735.0300 AUTHORITY.

25 Parts 2735.0100 to 2735.0500 are adopted pursuant to
26 Minnesota Statutes, sections 45.023; 72A.20, subdivision 16; and
27 72A.19, subdivision 2.

28 2735.0400 APPLICABILITY AND SCOPE.

29 Parts 2735.0100 to 2735.0500 apply to all contracts
30 delivered or issued for delivery in this state by an insurer on
31 or after the effective date of these parts, to all existing
32 group contracts which are amended on or after these parts, and
33 to all group insurance policies or group subscriber contracts
34 that provide coverage for Minnesota residents enrolled

1 thereunder.

2 2735.0500 AVAILABILITY REQUIREMENTS.

3 Availability of any insurance contract shall not be denied
4 to an insured or prospective insured on the basis of sex or
5 marital status of the insured or prospective insured. The
6 amount of benefits payable, or any term, condition, or type of
7 coverage shall not be restricted, modified, excluded, or reduced
8 on the basis of the sex or marital status of the insured or
9 prospective insured except to the extent the amount of benefits,
10 term, condition, or type of coverage vary as a result of the
11 application of rate differentials permitted under Minnesota law.
12 However, nothing in this part prohibits an insurer from taking
13 marital status into account for the purpose of defining persons
14 eligible for dependent benefits. Practices prohibited by this
15 part include but are not limited to the following:

16 A. denying coverage to females gainfully employed at
17 home, employed part time, or employed by relatives when coverage
18 is offered to males similarly employed;

19 B. denying policy riders to females when the riders
20 are available to males;

21 C. denying maternity benefits to insureds or
22 prospective insureds purchasing an individual contract when
23 comparable family coverage contracts offer maternity benefits;

24 D. denying, under group contracts, dependent coverage
25 to husbands of female employees, when dependent coverage is
26 available to wives of male employees;

27 E. denying disability income contracts to employed
28 women when coverage is offered to men similarly employed;

29 F. treating complications of pregnancy differently
30 from any other illness or sickness under the contract;

31 G. restricting, reducing, modifying, or excluding
32 benefits relating to coverage involving the genital organs of
33 only one sex;

34 H. offering lower maximum monthly benefits to women
35 than to men who are in the same classification under a
36 disability income contract;

1 I. offering more restrictive benefit periods and more
2 restrictive definitions of disability to women than to men in
3 the same classifications under a disability income contract;
4 J. establishing different conditions by sex under
5 which the policyholder may exercise benefit options contained in
6 the contract; and
7 K. limiting the amount of coverage an insured or
8 prospective insured may purchase based upon the insured's or
9 prospective insured's marital status unless the limitation is
10 for the purpose of defining persons eligible for dependent
11 benefits.