

1.1 A bill for an act

1.2 relating to insurance; requiring prior approval of evidence-based underwriting
1.3 standards based upon life insurance applicants having received mental health
1.4 care; amending Minnesota Statutes 2006, section 72A.20, subdivision 19.

1.5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

1.6 Section 1. Minnesota Statutes 2006, section 72A.20, subdivision 19, is amended to
1.7 read:

1.8 Subd. 19. **Support for underwriting standards.** (a) No life or health insurance
1.9 company doing business in this state shall engage in any selection or underwriting
1.10 process unless the insurance company establishes beforehand substantial data, actuarial
1.11 projections, or claims experience which support the underwriting standards used by
1.12 the insurance company. The data, projections, or claims experience used to support
1.13 the selection or underwriting process is not limited to only that of the company. The
1.14 experience, projections, or data of other companies or a rate service organization may be
1.15 used as well.

1.16 (b) An insurance company may not use any life insurance selection or underwriting
1.17 standard or process based upon an applicant having received mental health care, unless the
1.18 life insurance company has applied for and obtained approval of the standard or process
1.19 by the commissioner prior to its use. The commissioner's approval or disapproval must
1.20 be based upon whether the selection or underwriting standard or process complies with
1.21 paragraph (a). For purposes of this paragraph, "mental health care" includes use of
1.22 prescription medications prescribed for mental health treatment.

S.F. No. 2303, as introduced - 85th Legislative Session (2007-2008)

2.1 (c) An insurance company may use a life insurance selection or underwriting
2.2 standard or process described in paragraph (b) only to determine the premium rate and
2.3 shall not reject an applicant for coverage.

2.4 **EFFECTIVE DATE.** This section is effective January 1, 2009, and applies to
2.5 policies issued on or renewed after that date.