

AMENDMENTS TO CHAPTER 45-03-10**UNFAIR SEX DISCRIMINATION**

Section 45-03-10-04 is amended as follows:

45-03-10-04. Availability requirements. Availability of any insurance contract may not be denied to an insured or prospective insured on the basis of sex or marital status of the insured or prospective insured. The amount of benefits payable, or any term, conditions, or type of coverage may not be restricted, modified, excluded, or reduced on the basis of the sex or marital status of the insured or prospective insured except to the extent the amount of benefits, term, conditions, or type of coverage vary as a result of the application of rate differentials permitted under the North Dakota insurance code. However, nothing in this section prohibits an insurer from taking marital status into account for purposes of defining persons eligible for dependent benefits, except with regard to legally recognized minor children. Specific examples of practices prohibited by this section include, but are not limited to, the following:

1. Denying coverage to females gainfully employed at home, employed part time, or employed by relatives when coverage is offered to males similarly employed.
2. Denying policy riders to females when the riders are available to males.
3. Denying maternity benefits to insureds or prospective insureds purchasing an individual contract when comparable family coverage contracts offer maternity benefits.
4. Denying, under group contracts, dependent coverage to husbands of female employees, when dependent coverage is available to wives of male employees.
5. Denying disability income contracts to employed women when coverage is offered to men similarly employed.
6. Treating complications of pregnancy differently from any other illness or sickness under the contract.
7. Restricting, reducing modifying, or excluding benefits relating to coverage involving the genital organs of only one sex.
8. Offering lower maximum monthly benefits to women than to men who are in the same classification under a disability income contract.

9. Offering more restrictive benefit periods and more restrictive definitions of disability to women than to men in the same classifications under a disability income contract.
10. Establishing different conditions by sex under which the policyholder may exercise benefit options contained in the contract.
11. Limiting the amount of coverage an insured or prospective insured may purchase based upon the insured's or prospective insured's marital status unless such limitation is for the purpose of defining persons eligible for dependents' benefits.
12. ~~Denying individual coverage to a married person who elects not to cover his or her spouse or other dependents, except that if any dependents other than the spouse are to be covered, all dependent children may be required to be covered.~~

History: Effective July 1, 1988; amended effective _____.

General Authority: NDCC 26.1-04-08

Law Implemented: NDCC 26.1-04-03(7), 26.1-04-03(11)