

BY: Finance Committee

AMENDMENTS TO SENATE BILL 269

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in the sponsor line, strike “Senator Conway” and substitute “Senators Conway, Exum, Garagiola, Kelley, Middleton, and Pugh”; strike lines 2 and 3 in their entirety and substitute:

“Health Insurance – Collection of Racial and Ethnic Data – Nondiscrimination”;

strike beginning with “requiring” in line 4 down through “facilities;” in line 8 and substitute “authorizing certain entities that provide health insurance to make an inquiry about race and ethnicity under certain circumstances, and subject to certain limitations;”; in line 8, strike “variations”; in line 11, strike “variations”; in line 12, after “data” insert “by health insurers”; and strike in their entirety lines 13 through 23, inclusive.

On page 2, in line 1, strike “repealing and reenacting, with amendments,” and substitute “adding to”; in line 3, strike “19-706(ggg)” and substitute “19-706(jjj)”; and after line 5, insert:

“BY repealing and reenacting, without amendments,

Article – Insurance

Section 27-501(a) and (b)

Annotated Code of Maryland

(2006 Replacement Volume and 2006 Supplement)

BY repealing and reenacting, with amendments,

Article – Insurance

(Over)

Section 27-501(c)
Annotated Code of Maryland
(2006 Replacement Volume and 2006 Supplement)".

AMENDMENT NO. 2

On pages 2 through 5, strike in their entirety the lines beginning with line 14 on page 2 through line 26 on page 5, inclusive, and substitute:

"19-706.

(JJJ) (1) THE PROVISIONS OF § 27-914 OF THE INSURANCE ARTICLE APPLY TO HEALTH MAINTENANCE ORGANIZATIONS.

(2) FOR PURPOSES OF § 27-914(C) OF THE INSURANCE ARTICLE, §§ 4-113, 4-114, 27-501, AND 27-505 OF THE INSURANCE ARTICLE APPLY TO HEALTH MAINTENANCE ORGANIZATIONS.

Article – Insurance

27-501.

(a) (1) An insurer or insurance producer may not cancel or refuse to underwrite or renew a particular insurance risk or class of risk for a reason based wholly or partly on race, color, creed, sex, or blindness of an applicant or policyholder or for any arbitrary, capricious, or unfairly discriminatory reason.

(2) Except as provided in this section, an insurer or insurance producer may not cancel or refuse to underwrite or renew a particular insurance risk or class of risk except by the application of standards that are reasonably related to the insurer's economic and business purposes.

(b) (1) An insurer may not require special conditions, facts, or situations as a condition to its acceptance or renewal of a particular insurance risk or class of risks in an arbitrary, capricious, unfair, or discriminatory manner based wholly or

partly on race, creed, color, sex, religion, national origin, place of residency, blindness, or other physical handicap or disability.

(2) Actuarial justification may be considered with respect to sex.

(c) (1) [An] EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, AN insurer or insurance producer may not make an inquiry about race, creed, color, or national origin in an insurance form, questionnaire, or other manner of requesting general information that relates to an application for insurance.

(2) SUBJECT TO § 27-914 OF THIS TITLE, A HEALTH INSURER, NONPROFIT HEALTH SERVICE PLAN, OR HEALTH MAINTENANCE ORGANIZATION MAY MAKE AN INQUIRY ABOUT RACE AND ETHNICITY IN AN INSURANCE FORM, QUESTIONNAIRE, OR OTHER MANNER REQUESTING GENERAL INFORMATION FOR THE EVALUATION OF QUALITY OF CARE OUTCOMES AND PERFORMANCE MEASUREMENTS, INCLUDING THE COLLECTION OF INFORMATION REQUIRED UNDER § 19-134 OF THE HEALTH – GENERAL ARTICLE.”.

On page 6, strike beginning with “RACIAL” in line 2 down through “ARTICLE” in line 3 and substitute “RACE OR ETHNICITY DATA”.