



Senate

General Assembly

File No. 343

January Session, 2023

Senate Bill No. 1015

Senate, March 30, 2023

The Committee on Insurance and Real Estate reported through SEN. CABRERA of the 17th Dist., Chairperson of the Committee on the part of the Senate, that the bill ought to pass.

AN ACT PROHIBITING LIFE INSURANCE COMPANIES FROM DISCRIMINATING AGAINST FIRST RESPONDERS DIAGNOSED WITH POST-TRAUMATIC STRESS DISORDER.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 38a-447 of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective October 1, 2023*):

3 No life insurance company doing business in this state may: (1) Make
4 any distinction or discrimination between persons on the basis of race,
5 sexual orientation, gender identity, status as a victim of domestic
6 violence, [or] erased criminal history record information, as defined in
7 section 46a-80a or status as a first responder, as defined in section 52-
8 146v, diagnosed with post-traumatic stress disorder, as to the premiums
9 or rates charged for policies upon the lives of such persons; (2) demand
10 or require greater premiums from persons of one race, sexual
11 orientation or gender identity than such as are at that time required by
12 that company from persons of another race, sexual orientation or gender
13 identity, or persons who have been victims of domestic violence than

14 such as are at that time required by that company from persons who
15 have not been victims of domestic violence, of the same age, sex, general
16 condition of health and hope of longevity; (3) demand or require greater
17 premiums from persons with erased criminal history record
18 information than such as are at that time required by that company from
19 persons without erased criminal history record information of the same
20 age, sex, general conditions of health and hope of longevity; (4) demand
21 or require greater premiums from any first responder diagnosed with
22 post-traumatic stress disorder than such as are at that time required by
23 that company from first responders not diagnosed with post-traumatic
24 stress disorder of the same age, sex, general conditions of health and
25 hope of longevity; or [(4)] (5) make or require any rebate, diminution or
26 discount on the basis of race, sexual orientation, gender identity, status
27 as a victim of domestic violence, [or] erased criminal history record
28 information or status as a first responder diagnosed with post-traumatic
29 stress disorder upon the sum to be paid on any policy in case of the
30 death of any person insured, nor insert in the policy any condition, nor
31 make any stipulation whereby such person insured shall bind such
32 person, such person's heirs, executors, administrators or assigns to
33 accept any sum less than the full value or amount of such policy, in case
34 of a claim accruing thereon by reason of the death of such person
35 insured, other than such as are imposed upon all persons in similar
36 cases; and each such stipulation or condition so made or inserted shall
37 be void. For the purposes of this section, "victim of domestic violence"
38 has the same meaning as provided in section 17b-112a.

39 Sec. 2. (NEW) (*Effective October 1, 2023*) Notwithstanding any
40 provision of the general statutes, no life insurance or annuity policy or
41 contract shall be delivered, issued for delivery, renewed or continued in
42 this state that excludes coverage solely on the basis of status as a first
43 responder diagnosed with post-traumatic stress disorder. As used in
44 this section, "first responder" has the same meaning as provided in
45 section 52-146v of the general statutes.

This act shall take effect as follows and shall amend the following sections:

Section 1	<i>October 1, 2023</i>	38a-447
Sec. 2	<i>October 1, 2023</i>	New section

INS *Joint Favorable*

The following Fiscal Impact Statement and Bill Analysis are prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and do not represent the intent of the General Assembly or either chamber thereof for any purpose. In general, fiscal impacts are based upon a variety of informational sources, including the analyst's professional knowledge. Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.

OFA Fiscal Note

State Impact:

Agency Affected	Fund-Effect	FY 24 \$	FY 25 \$
Insurance Dept.	GF - Potential Revenue Gain	Minimal	Minimal

Note: GF=General Fund

Municipal Impact: None

Explanation

The bill results in a potential minimal revenue gain to the General Fund starting in FY 24, to the extent additional fines or penalties are assessed for violations of the Connecticut Unfair Insurance Practices Act (CUIPA).

The bill prohibits life insurers from discriminating against first responders diagnosed with post-traumatic stress disorder (PTSD) and makes charging such individuals a different premium or lowering the benefit amount paid upon death based on that status a violation of CUIPA. CUIPA fines can range from \$5,000 per violation up to a maximum of \$250,000 in aggregate penalties per insurer in any six-month period. There is no anticipated cost to the Insurance Department, as the agency has the necessary staff and expertise for enforcement.

The Out Years

The annualized ongoing fiscal impact identified above would continue into the future subject to the number and type of violations that occur.

OLR Bill Analysis**SB 1015*****AN ACT PROHIBITING LIFE INSURANCE COMPANIES FROM DISCRIMINATING AGAINST FIRST RESPONDERS DIAGNOSED WITH POST-TRAUMATIC STRESS DISORDER.*****SUMMARY**

This bill prohibits life insurers from delivering, issuing, renewing, or continuing a life insurance or annuity policy in Connecticut that excludes coverage solely because someone is a “first responder” (e.g., ambulance driver) diagnosed with post-traumatic stress disorder (PTSD).

The bill also prohibits life insurers from taking any of the following actions based on an individual’s status as a first responder diagnosed with PTSD:

1. making any distinction or discrimination against a person in premiums or rates;
2. demanding or requiring greater premiums than from a first responder not diagnosed with PTSD of the same age, sex, general health, and hope of longevity; or
3. rebating, discounting, or lowering the benefit amount paid upon death, or similarly requiring heirs, executors, or beneficiaries to accept less than the full payout compared to a similarly situated person.

Under the bill, a violation of any of these three provisions is an unfair and deceptive insurance practice under the Connecticut Unfair Insurance Practices Act (CUIPA) (see BACKGROUND).

EFFECTIVE DATE: October 1, 2023

DEFINITIONS***First Responders***

By law and under the bill, a first responder is:

1. a peace officer or firefighter (see below);
2. a privately employed firefighter;
3. an ambulance driver;
4. a certified emergency medical responder, emergency medical technician, or advanced emergency medical technician;
5. a licensed paramedic; and
6. a telecommunicator (i.e., 9-1-1 operator).

Peace Officers

By law, the following individuals are designated peace officers: state and local police, Division of Criminal Justice inspectors, state marshals exercising statutory powers, judicial marshals performing their duties, conservation or special conservation officers, constables who perform criminal law enforcement duties, appointed special policemen, adult probation officers, Department of Correction officials authorized to make arrests in a correctional institution or facility, investigators in the Office of the State Treasurer, Police Officer Standards and Training Council-certified motor vehicle inspectors, U.S. marshals and deputy marshals, U.S. special agents authorized to enforce federal food and drug laws, and certified police officers of a law enforcement unit created and governed under a state-tribal memorandum (CGS § 53a-3(9)).

Firefighters

A firefighter is any (1) uniformed member of a paid municipal, state, or volunteer fire department and (2) local fire marshal, deputy fire marshal, fire investigator, fire inspector, and certain other classes of inspectors and investigators as determined by the State Fire Marshal and the Codes and Standards Committee (CGS § 7-313g).

BACKGROUND

CUIPA

By law, the insurance commissioner is authorized to enforce CUIPA through investigations, hearings, cease and desist orders, fines, and license suspensions and revocations (see CGS § 38a-816). Fines may be up to (1) \$5,000 per violation to a \$50,000 maximum or (2) \$25,000 per violation to a \$250,000 maximum in any six-month period if the violation was knowingly committed. The law also imposes a fine of up to \$50,000, in addition to or in lieu of a license suspension or revocation, for violating a cease and desist order.

COMMITTEE ACTION

Insurance and Real Estate Committee

Joint Favorable

Yea 12 Nay 0 (03/14/2023)