

**R590. Insurance, Administration.**

**R590-83. Unfair Discrimination on the Basis of Sex or Marital Status.**

**R590-83-1. Authority.**

This rule is promulgated pursuant to Subsection 31A-2-201(3)(a), which empowers the Commissioner to enforce Title 31A and to make rules to implement its provisions, and Subsection 31A-23a-402(8), which empowers the commissioner to define and prohibit unfair marketing practices.

**R590-83-2. Purpose.**

The purpose of this rule is to identify and define certain practices which the commissioner finds are unfair and discriminatory.

**R590-83-3. Scope.**

This rule applies to all new or renewal insurance contracts offered for sale in Utah.

**R590-83-4. Availability Requirements and Prohibited Transactions.**

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, condition 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 marital status may be considered for the purpose of defining eligibility for dependent or family coverage. An insurer may treat a polygamous relationship differently than a monogamous relationship for purposes of defining or providing dependent or family coverage provided that the treatment reflects reasonable treatment of the interests of the affected parties and safeguards the economic interests of the insurer and other policyholders or prospective policyholders. Any insurer or representative of an insurer acting in contravention of this rule shall be deemed to have engaged in an unfair or deceptive act or practice as provided by Chapter 23a, Title 31A. Examples of the practices prohibited by this section include:

(a) denying, canceling or refusing to renew coverage, or providing coverage on different terms, because the insured or prospective insured is residing with another person not related by blood or marriage;

(b) offering coverage to males gainfully employed at home, employed part-time or employed by relatives while denying or offering reduced coverage to females similarly employed;

(c) reducing disability benefits for females who become disabled while not gainfully employed full-time outside the home

when a similar reduction is not applied to males;

(d) denying females waiver of premium provisions that are available to males or offering the provisions to females only for contact limits that are lower than those available to males;

(e) refusing to offer maternity benefits to insureds or prospective insureds purchasing individual contracts when comparable family coverage contracts offer maternity benefits;

(f) denying, under group contracts, dependents coverage to husbands of female employees when dependent's coverage is available to wives of male employees;

(g) offering coverage to males in certain occupations while denying coverage or offering more limited coverage to females in the same occupational categories;

(h) offering males higher benefit levels or longer benefits periods, or both, than are offered to females in the same classifications;

(i) offering contracts containing different definitions of disability for females and males in the same classifications;

(j) offering contracts containing different waiting and elimination periods for females and males;

(k) requiring female applicants to submit to medical examinations while not requiring males to submit to the examinations for the same coverage;

(l) establishing different benefit options for females and males;

(m) denying to divorced or single persons coverage available to married persons;

(n) limiting the amount of coverage available to an insured or prospective insured based upon the person's marital status;

(o) denying employees of one sex insurance benefits that are offered to dependents who are of the same sex as the employees;

(p) denying a married or separated female the right to obtain or continue coverage in her own name when the same does not apply to males;

(q) establishing different issue age requirements for females and males;

(r) establishing different occupational classifications for females and males;

(s) denying coverage to unwed persons or their dependents, or both.

#### **R590-83-5. Class Rating Differentials.**

The establishment of reasonable and consistently applied class rating differentials does not constitute a practice prohibited by Section 4. This rule may not be deemed to prohibit charging different premium rates on the basis of sex.

**R590-83-6. Severability.**

If any provision of this rule is held invalid, it may not affect the provisions of this rule that can be given effect, and to that extent, the provisions of this rule are declared to be severable.

**KEY: insurance law**

**Date of Enactment or Last Substantive Amendment: 1989**

**Notice of Continuation: August 20, 2019**

**Authorizing, and Implemented or Interpreted Law: 31A-23a-402;  
31A-2-201**