

**§2452. Employee benefit excess insurance; nondiscrimination; prohibited clauses**

**1. Discrimination prohibited.** A policy of employee benefit excess insurance may not discriminate unfairly among or against beneficiaries of the underlying benefit plan, or treat conditions related to the Human Immunodeficiency Virus, or HIV, more restrictively than other sicknesses or disabling conditions.

[PL 1991, c. 385, §11 (NEW).]

**2. Commutation clause.** A policy of employee benefit excess insurance may not contain a commutation clause that extinguishes the excess carrier's gross claims liability to the insured person through the recapture of loss reserves, unless the policy contains a provision giving the insured the option of requiring that the funds transferred in support of such a commutation have been evaluated by a qualified health actuary who is a member of the American Academy of Actuaries and has certified that the aggregate value of reserves to be recaptured are reasonably adequate to discharge the insured's expected liability for future costs of the health benefits covered by the excess policy.

[PL 1991, c. 385, §11 (NEW).]

**3. Review.** An employee benefit excess insurance form is not exempt from the review provisions otherwise applicable under section 2412 on the ground that the form is designed for insurance on a particular subject.

[PL 1991, c. 385, §11 (NEW).]

**SECTION HISTORY**

PL 1991, c. 385, §11 (NEW).

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