

# STATE OF NEW YORK

2006

2025-2026 Regular Sessions

## IN ASSEMBLY

January 14, 2025

Introduced by M. of A. STIRPE -- read once and referred to the Committee on Insurance

AN ACT to amend the insurance law, in relation to the approval of policy forms

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

1 Section 1. Paragraph 6 of subsection (c) of section 3201 of the insurance law, as amended by chapter 341 of the laws of 2006, is amended to  
2 read as follows:

3  
4 (6) [~~(a)~~ ~~The~~] (A) Except as otherwise provided for in subsection (e) of this section, the superintendent may disapprove any policy form specified in paragraph two of subsection (b) of this section issued by a  
5 domestic life insurer or fraternal benefit society for delivery outside  
6 the state if its issuance would be prejudicial to the interests of its  
7 policyholders or members.  
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9  
10 [~~(b)~~] (B) Except for the policy forms specified in paragraph two of  
11 subsection (b) of this section, every domestic life insurer and fraternal  
12 benefit society shall file annually with the superintendent a list  
13 identifying and describing the policy forms issued by the insurer or  
14 fraternal benefit society for delivery outside the state in a form  
15 prescribed by the superintendent. If the superintendent determines that  
16 the issuance of a policy form has been or may be prejudicial to the  
17 interests of policyholders or members, the superintendent may take any  
18 action [~~he or she~~] such superintendent deems appropriate, including  
19 issuing an order, after a hearing, to cease and desist issuing the policy  
20 form.

21 (C) Any insurer or fraternal benefit society who shall issue a policy form which shall be exempt from the filing and approval requirements of paragraphs one and two of subsection (b) of this section, shall file annually with the superintendent a list identifying and describing such  
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23  
24

EXPLANATION--Matter in italics (underscored) is new; matter in brackets [~~-~~] is old law to be omitted.

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1 policy forms in a manner prescribed by the superintendent pursuant to  
2 paragraph one of subsection (e) of this section.

3 § 2. Section 3201 of the insurance law is amended by adding a new  
4 subsection (e) to read as follows:

5 (e)(1) For purposes of this section, the following terms shall have  
6 the following meanings:

7 (A) "Large group policyholder" shall mean a group with a minimum of  
8 five hundred employees or members that either employ or contract with a  
9 qualified benefits manager that shall satisfy the criteria set forth in  
10 this subsection.

11 (B) (i) "Qualified benefits manager" means an individual that:

12 a. is a fiduciary under the Employee Retirement Income Security Act of  
13 1974 (ERISA);

14 b. holds a bachelor's degree or higher from an accredited college or  
15 university;

16 c. has a minimum of five years' experience analyzing, designing, or  
17 advising groups defined herein regarding group benefit programs that  
18 include, but are not limited to, life insurance, accident and health  
19 insurance or annuity products; or

20 d. has a designation as a certified benefit plan administrator, certi-  
21 fied employee benefit specialist from the international foundation of  
22 employee benefit plans, certified benefits professional from world at  
23 work, retirement plan professional issued by the american society of  
24 pension professionals and actuaries, any other similar designation  
25 issued by an accredited college or university, chartered life underwrit-  
26 er (C.L.U.), or is a licensed insurance agent or broker pursuant to  
27 article twenty-one of the this chapter; and

28 (ii) A qualified benefits manager shall not include an individual that  
29 shall be employed by the insurer or fraternal benefit society issuing  
30 the group policy or any person in the insurers' or fraternal benefit  
31 society's holding company system.

32 (2) Notwithstanding anything in this section to the contrary, policy  
33 forms delivered or issued for delivery in the state, policy forms deemed  
34 to have been delivered in the state regardless of the place of actual  
35 delivery, or policy forms specified in paragraph two of subsection (b)  
36 of this section which shall have been issued to a large group policy-  
37 holder as defined in subparagraph (A) of paragraph one of this  
38 subsection and that are issued to groups defined in section three thou-  
39 sand two hundred twenty-two of this article, except an agreement provid-  
40 ing for periodic payments in satisfaction of a claim, section four thou-  
41 sand two hundred sixteen of this chapter, other than policy forms to be  
42 issued pursuant to paragraph three or fourteen of subsection (b) of such  
43 section, and section four thousand two hundred thirty-eight of this  
44 chapter are exempt from filing and approval under paragraph one of  
45 subsection (b) of this section and filing for delivery outside this  
46 state under paragraph two of subsection (b) of this section.

47 (3) The superintendent shall not have the authority to disapprove any  
48 such policy form, but shall have the authority, after notice and a hear-  
49 ing shall have been given to the insurer or fraternal benefit society  
50 which issued any such policy form, to issue a cease and desist order to  
51 such insurer or fraternal benefit society if the use of such form is  
52 contrary to the requirements of this chapter or inconsistent with law at  
53 the time of such order.

54 (4) The superintendent shall have authority to issue a cease and  
55 desist order to such insurer or fraternal benefit society in the case of  
56 any such policy form:

1 (A) pertaining to life insurance, annuity contract, group annuity  
2 certificate, or funding agreement for a policy form issued for delivery  
3 outside the state, if its issuance would be prejudicial to the interests  
4 of policyholders or members;

5 (B) pertaining to life insurance, annuity contract, group annuity  
6 certificate, or funding agreement for a policy form delivered or issued  
7 for delivery within the state, if such form contains provisions which  
8 are unjust, unfair or inequitable; or

9 (C) pertaining to certificates deemed to be delivered in this state  
10 regardless of the place of actual delivery, if such certificate fails to  
11 afford insureds protections substantially similar to those which shall  
12 be provided by certificates delivered in the state.

13 (5) Any such cease and desist order shall be effective not less than  
14 ninety days after such order is issued.

15 (6) Notwithstanding anything in this article or article forty-two of  
16 this chapter to the contrary, any schedule of premium rates, commissions  
17 or fees which shall relate to a group identified in this subsection and  
18 are required to be filed pursuant to such articles, may immediately be  
19 used by an insurer upon the mailing of such schedule to the superinten-  
20 dent.

21 (7) Notwithstanding anything in this section to the contrary, any  
22 group policy form which shall be exempt from filing or approval under  
23 paragraph two of this subsection, may contain provisions which are, at  
24 the minimum, as favorable as the provisions required by this article and  
25 article forty-two of this chapter as determined by the issuer of such  
26 group policy form.

27 (8) Every policy issued pursuant to this subsection shall contain a  
28 notice to the group policyholder that such policy forms shall not be  
29 subject to the filing and approval requirements of the state.

30 § 3. This act shall take effect on the thirtieth day after it shall  
31 have become a law.