

STATE OF NEW YORK

5308

2025-2026 Regular Sessions

IN SENATE

February 20, 2025

Introduced by Sen. BAILEY -- read twice and ordered printed, and when printed to be committed to the Committee on Insurance

AN ACT to amend the insurance law, in relation to ensuring life insurance and annuity business policies are self-supporting; and providing for the repeal of section 4228 of such law relating thereto

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

1 Section 1. Section 4228 of the insurance law is REPEALED.

2 § 2. The insurance law is amended by adding a new section 4228 to read
3 as follows:

4 § 4228. Life insurance and annuity business; policy to be self-sup-
5 porting. No company shall offer for sale any life insurance policy form
6 or annuity contract form or any debit life insurance policy form which
7 shall not appear to be self-supporting on reasonable assumptions as to
8 interest, mortality, persistency, taxes, agents' and brokers' survival
9 and expenses resulting from the sale of the policy or contract form. For
10 all such forms offered for sale in this state, and for all forms filed
11 for use outside this state by domestic life insurance companies, a
12 statement that the requirements of this section have been met, signed by
13 an actuary who is a member in good standing of the American Academy of
14 Actuaries and meets the requirements prescribed by the superintendent by
15 regulation shall be submitted with each such life insurance policy or
16 annuity contract form filed pursuant to paragraph one or six of
17 subsection (b) of section three thousand two hundred one of this chap-
18 ter. A demonstration supporting each such statement, signed by an actu-
19 ary meeting such qualifications, shall be retained in the company's home
20 office, while such form is being offered in this state and for a period
21 of six years thereafter and be available for inspection. The super-
22 intendent shall promulgate a regulation establishing the guidelines
23 applicable to such demonstration.

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

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1 § 3. This act shall take effect on the first of January next succeed-
2 ing the date on which it shall have become a law and shall apply to any
3 life insurance policy, annuity contract, or debit life insurance policy
4 entered into on or after such date. Effective immediately, the addition,
5 amendment and/or repeal of any rule or regulation necessary for the
6 implementation of this act on its effective date are authorized to be
7 made and completed on or before such effective date.