§ 4323. Marketing materials. (a) All health maintenance organizations issued a certificate of authority under article forty-four of the public health law or licensed under this article shall prepare, in conjunction with the superintendent, and shall participate in and share the cost of the publication and dissemination of a consumer's shopping guide for standardized individual health plans issued pursuant to sections four thousand three hundred twenty-one and four thousand three hundred twenty-two of this article and a separate consumer shopping guide for standardized qualifying individual health insurance contracts and standardized qualifying group health insurance contracts issued pursuant to section four thousand three hundred twenty-six of this article. The consumer's shopping guides shall be published annually and shall include the names, addresses and telephone numbers of all health maintenance organizations offering such coverage as well as a description of the plan design and premiums in such a manner that facilitates consumer comparison.

(b) Health maintenance organizations may distribute additional sales or marketing brochures describing the standardized coverage offered subject to review by the superintendent.

(c) All health maintenance organization marketing materials must be sufficiently clear to avoid deception or the capacity or tendency to mislead or deceive and may not disparage competitors.