

Group Life Association and Discretionary Groups

State	Adopted Eligible Group Model Bill 565 or Substantially Similar Bill?	Extraterritorial Filing Requirements for Forms or Rates	Accepts Associations and Discretionary Groups/Trusts?	Must File Association to ensure satisfies requirements	Discretionary Group Must satisfy 3-Prong Test	Comments
Alabama	yes 27-18 (1-16)	file at request of commissioner			yes	
Alaska	no - adopted own version 21.48.010 and 070	yes, See Bulletin B12-06		only employers, labor unions and credit unions are eligible groups 21.48.010	association groups and discretionary groups do not seem to be supported in law	
Arizona	yes but does not seem to have adopted discretionary group definition; 20-(1251-1269)	no		associations, yes; no provision for discretionary groups 20-1256 and 20-893 exemptions	no	See Order 15A-005 INS, Exhibit B - group life form filing exemptions
Arkansas	yes; 23-83-(101-122)		yes, 23-83-106		yes	
California	no - adopted own version 10200-10214	no	Yes, 10204.5 and 10203	not if comply with 10203 and 10204.5	Yes, 10204.5 and 10203	
Colorado	section 5 of model bill only - 10-7-201; 10-7-203	no; Bulletin B-4.1	associations D22not defined in life statutes	employers and employer/labor union trusts defined		
Connecticut	no - adopted own version 38a-431	yes; 38a-430; confirmed in message from DOI - for group life and health, the law requires that any policy or certificate issued or delivered in CT is subject to review and approval.	no defined groups; just general statement that group life may be issued			
Delaware	yes; 18s 3010-3127	yes, unless exempted - employer groups, labor unions, debtor groups, creditor groups exempt; file association or trustee business to ensure exempt	yes; 18 s 3108	yes for associations and trustee groups	yes	
DC	no - adopted own version 31-4711	yes, department position	no defined groups		no	

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Florida	yes; 627.(551-575)	yes; 627.5515	yes; if filed and approved by commissioner	yes - DIR Bulletin 81-206; DIR Bulletin 81-211;DIR Bulletin 82-235	yes, 627.5565	
Georgia	yes; 33-27-(1-5)	department position	yes if filed and approved by commissioner 33-27-1 (11)	yes	yes 33-27-1 (11)	
Guam	no action to date					
Hawaii	yes; 431;10D (201-215)	no AGO 61-82; but see 431:10D-211.5 for group eligibility	yes	no	yes both instate policies and coverage offered under out of state policy - 431:10D-211.5	
Idaho	yes; 41-(2001-2021)	yes; 41-1812; Bulletin 85-6	DOI has requested associations be filed to ensure comply with law	provide constitution and by-laws	yes; 41-2002	
Illinois	yes; 215 ILCS 5/230.1-231.1)	no but see 215 ILCS 5/230.2 for group eligibility	yes		yes; 215 ILCS 5/230.2	
Indiana	yes; 27-1-12-(37-42)	no pursuant to 27-1-12-13 but see 27-1-12-38 for group eligibility	discretionary groups; 27-1-12-38	no if satisfies definition of association group; 27-1-12-37 (5)	yes; 2-1-12-38	

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Iowa	yes; 509.1, 509.2; 509.4. 509.6	191.35.21(1) Nondiscretionary groups. A certificate of coverage delivered in this state under a group life insurance policy issued to a group substantially as described in Iowa Code section 509.1, subsections (1) to (7), shall not be reviewed by the commissioner if the policy is issued outside of this state. 35.21(2) Discretionary groups. A certificate of coverage delivered in this state under a group life or accident and health insurance policy issued to a group not substantially as described in Iowa Code section 509, subsections (1) to (7), shall not be reviewed by the commissioner if the policy is issued outside of this state and if the policy is issued or offered in a state which has reviewed and approved the policy under a statute substantially similar to Iowa Code section 509.1(8).	yes	see 191.35.21	yes 509.1 (9)	
Kansas	yes; 40-433	has typically not taken jurisdiction over out of state group life plans	yes but see 40-433			
Kentucky	yes, 304.16 (010-210)	yes, DOI position	yes, 304.16-060; 304.16-080; 304.16-115		yes; 304.16-115	

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Louisiana	22:941; Full privileged and contributing members or employees of members of any organization or association which has been formed for purposes other than procuring insurance for the members or employees.	yes; 22:861	yes - associations but must not have been formed for insurance purposes; 22:941	yes - DOI position to ensure not formed for insurance purposes	no	
Maine	24-A s 2602-A: must comply with 2603 to 2610-A	yes; 24-A s 2412	yes; 24-A s 2607-A and 24-A s 2606-A	yes	yes - 24-A s 2612-A	
Maryland	yes with modifications; 17-(201-208)	yes; 17-101	17-203 (trusteed groups) and 17-204 (professional associations) (no provision for other associations or discretionary groups)	yes - 17-101	only if approved by commissioner- Ins. s 17-101 (a) Unless approved by the Commissioner, a group life insurance policy may not be offered to a resident of the State under a group life insurance policy issued: (1) to a group other than one described in Subtitle 2 of this title; or (2) in another jurisdiction unless the type of group to be covered conforms substantially to a type of group described in Subtitle 2 of this title.	

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Massachusetts	no - adopted own version 175:133-134	yes, for discretionary groups (Bulletin 09-07)	yes; 175:133	no	yes; 175:133A	
Michigan	no - adopted own version 500.(4400-4454)	no, unless a discretionary group 500.4446	yes, if satisfy eligible definitions 500.4424 and 500.4405 (MET)	no	yes 500.4424	
Minnesota	yes, 61A(.09-12)	yes; 61A.02 see - 61A.093 - Subdivision 1 does not apply to certificates issued in regard to a master policy issued outside the state of Minnesota if all of the following are true: (1) the policyholder or certificate holder exists primarily for purposes other than to obtain insurance; (2) the policyholder or certificate holder is not a Minnesota corporation and does not have its principal office in Minnesota; (3) the policy or certificate covers fewer than 25 persons who are residents of Minnesota and the Minnesota residents represent less than 25 percent of all covered persons; and (4) on request of the commissioner, the issuer files with the commissioner a copy of the policy and a copy of each form of certificate.	no provision for group life except for employers	no association eligible group in life laws so recommend that it be filed	yes - 61A.09	
Mississippi	no defined groups	no clear rules	no association group definition	yes 19-1-10.01 if trust involved	no	
Missouri	yes - 376.691	yes - 400.8-200	yes	yes	yes; 376.693	
Montana	no; 33-20-(1101-1112)	yes; 33-1-501 and Bulletin 84-1	associations not defined in life statutes	yes, Bulletin 84-1	yes; 33-20-112	
Nebraska	no - 44-1601	yes - department position	professional associations defined 44-1606.01 and MET's 44-1605	yes - professional associations defined so file others	yes; 44-1606.03	

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Nevada	yes; 688B.010	yes; 687B.120	yes if formed for insurance purposes: 688B.030	if formed for insurance purposes - file	yes 688B.030	
New Hampshire	yes; 408:15	yes; DOI position also 408:15	defines industrial associations and public employee associations only	yes	yes for non-defined associations and other non-defined groups 408:15	
New Jersey	no 17B:27-68	no; 17B-17-13c (5)	yes	no	17B:27-68 does not provide for discretionary groups	
New Mexico	yes; 59A-21-1	yes - DOI position	if discretionary group - file	yes	yes - 59A-21-25 and 59A-21-9	
New York	yes; 4216 and 3220	yes; 11 NYCRR 59.4; 3201 (a) (b)	yes	yes	no language for discretionary group approval but have very broad definitions of all types of eligible groups - 4216	
North Carolina	yes; 58-58-135	yes; 11 NCAC 12 .0306; 58-3-150	yes	yes if satisfy DOI criteria	yes; 58-58-135	extensive association checklist needs to be completed for associations and non-defined trusts
North Dakota	yes; 26.1-33-11 sections 5 (provisions) and 6 (conversion) only - no defined groups	yes 58-3-5 and 58-3-150 ; Bulletin 2010-1	yes	no	no	

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Ohio	3917.01	yes - received email from OH 3/30/2016 indicating that although Chapter 3917 appears “silent” regarding any requirement that the Certs for these Products be “filed” (submitted) to the Department for review, the department considers a certificate to be a policy and must be filed regardless of where the policy is situated. C43	yes	no	no provision for discretionary groups	

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Oklahoma	yes; 4101	rules unclear; 3610 indicates that policies are to be filed; 36 s 3602 defines policy to mean "Policy" means contract of or agreement for effecting insurance, or the certificate thereof, by whatever name called, and includes all clauses, riders, endorsements and papers attached thereto and a part thereof. Rule implies policies and certificates issued in connection with that policy. However, see discretionary group comments	yes	yes if does not satisfy all definition criteria	yes 36 s 4101	
Oregon	policy provisions only: different eligible groups 743.(348-360)	yes, DOI position to ensure it reviews out of state groups for compliance	yes 743.351; 743.354	yes subject to DOI approval	yes; 743.3607	extensive association checklist needs to be completed for associations, trusts, and non-defined trusts
Pennsylvania	PA definitions of eligible groups; 40-37-(203-212)	yes; 40-37-210.1	associations - yes 40-37-207.1; 'other groups that are not trusts - see 40-37-207.2 - for trusts see 40-37-210.1 for description of position on out of state trustee business	no if complies with all association requirements	see 40-37-210.1 for description of position on out of state trustee business	
Puerto Rico	no - adopted own version 1401	no - T.26 s 1111 policies issued in PR	defines only professional trade associations - no other associations	no but very limited acceptable associations	no provision for discretionary groups	
Rhode Island	yes - 27-4.8-1	yes, 27-4-24	yes	no unless discretionary	yes 27-4.8-2	

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South Carolina	no 38-65-40	yes, if mass marketed file for approval; if direct response, file for information 38-65-50	yes as long as not formed for insurance purposes	no	no provision for discretionary groups	Mass-marketed life insurance" means coverage under any group policy of life insurance which is offered by means of direct response solicitation whether through a sponsoring organization or the mails or other media, except that it does not include coverage offered to an employee or union member through his employer or union, to a member of a professional association, to a member of a national association of retired or aged persons through the association, or to a member of a national association of war veterans either chartered by Congress or composed of veterans of a particular ethnic, racial, or religious background through the association. This coverage offered through a trust formed by one or more employers, labor unions, or both, or by a professional association or association of retired or aged persons or war veterans to provide insurance coverage for employees, union members, and their dependents or for association members and their dependents is considered to be offered through the employer, union, or association, respectively. "Direct response solicitation" means any offer by an insurer to persons in this State to effect life insurance coverage which enables the individual to apply or enroll for the insurance on the basis of that offer.
South Dakota	no - adopted own version 58-16-(1 to 48)	yes, 58-11-12	yes - 58-16-30 for associations; no provision for discretionary groups or discretionary trusts; MET's are fine; The Trust must be established by an employer, labor union or association Bulletin 98-6	no	no	

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Tennessee	did not adopt NAIC eligible group language - nothing defined	no clear rules	no	no	no provision for discretionary or defined groups	
Texas	yes but also see 1131.(001-007); 1131.(451-457)	yes, 1701.002	yes - associations - 1131.060; if not defined - discretionary group	file constitution and bylaws 28 TAC s 3.6	yes Ins s 1131.064	
Utah	no - adopted own version 31A-22-(501-522)	yes; Bulletin 87-7	yes but file association or any discretionary group prior to filing forms; see UT checklists; R590-226	see UT checklists for group requirements; R590-226	see Discretionary Group Checklist R590-226	
Vermont	yes; portions 3803-3810a	yes 3541	yes - associations; 3810a	rules not clear but narrow definition of group life so recommend courtesy filing	no provision for discretionary groups	
Virginia	yes; 38.2-3318.1	38.2-316 indicates policies issued in VA and certificates in connection with those policies so infers no - however see discretionary group information; VA may require informational filing to ensure groups satisfy definitions.	yes both associations and discretionary groups accepted	yes as DOI determines whether a discretionary group on a case by case basis	yes 38.2-3319.1	
Washington	yes; 48.24.010	48.18.100 indicates policy forms - however the law also has the following statement - No form may knowingly be issued or delivered as to which the commissioner's approval does not then exist	yes associations accepted; 48.24.045; see comments for discretionary groups	generally no filing of group required if satisfy association requirements; recommend confirm with DOI as can be tough in market conduct	yes - 48.24.027	

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West Virginia	yes 33-14-(1-6)	yes 33-6-8	no provision for association groups so would be discretionary group	yes - file - constitution and by-laws and any information the helps the department determine viability of group	yes 33-14-6	
Wisconsin	no defined groups	not usually but will take jurisdiction over trusts under 600.01	nothing defined but group may not be formed for insurance purposes	no definition for association in life statutes	as the forms need to be filed for approval if issued to a trust, need to explain group as part of forms filing	
Wyoming	yes, 26-17-(101-128)	26-15-110 imposes filing requirements on policy forms only; however if discretionary group - file	accepts both types of groups; file discretionary group	yes, 26-17-128	yes, 26-17-127	