

NOTICE OF PROPOSED RULEMAKING

NOTICE IS HEREBY GIVEN that the Superintendent of Insurance (Superintendent), upon the Superintendent's own motion, proceeding pursuant to the Insurance Code, Section 59A-1 -1 et seq. NMSA 1978 ("Insurance Code") and 13.1.4 NMAC, proposes a new rule **13.6.3 NMAC, ADVERTISING ACCIDENT AND HEALTH INSURANCE, LIFE INSURANCE AND ANNUITIES** and the repeal of **13.10.4 NMAC, ADVERTISING ACCIDENT AND HEALTH INSURANCE**.

PURPOSE OF THE PROPOSED NEW RULE: The purpose of this new rule is to protect the public with respect to the advertisement of accident and health insurance, life insurance and annuities and repeal rule 13.10.4 NMAC.

SUMMARY OF THE PROPOSED RULE: The rule establishes minimum criteria to ensure the clear and truthful disclosure of the benefits, limitations and exclusions of policies offered in this state and establish standards to prevent unfair, deceptive, and misleading advertising of these products and of those who sell them.

STATUTORY AUTHORITY: Legal authority for this rulemaking is found at Sections 59A-2-9, 59A-16-4 and 59A-16-5 NMSA 1978.

Copies of the Notice of Proposed Rulemaking and proposed rules are available by electronic download from the OSI website (<https://www.osi.state.nm.us/MiscPages/osilegal.aspx>) or the New Mexico Sunshine portal, or by requesting a copy in person at the NM Office of Superintendent of Insurance, 1120 Paseo de Peralta, Santa Fe, NM 87501.

OSI will hold a public hearing on the new rule 13.6.3 NMAC and the repeal of 13.10.4 NMAC on September 9, 2019 at 10:00 a.m. at the NM Office of Superintendent of Insurance, 4th Floor Conference Room, Old PERA Building, 1120 Paseo de Peralta, Santa Fe, New Mexico. The Superintendent designates Todd Baran to act as the hearing officer for this rulemaking. Oral comments will be accepted at the public hearing from members of the public and any interested parties.

Written comments and proposals will be accepted through 4:00 pm on the day of the public hearing, or the last day of the public hearing if the public hearing extends for more than one day. Responses to written comments or oral comments will be accepted through 4:00 pm on September 16, 2019. Comments may be submitted via email to Mariano.romero@state.nm.us or may be filed by sending original copies to:
OSI Records and Docketing, NM Office of Superintendent of Insurance
Attention: Mariano Romero, Room 331
1120 Paseo de Peralta, P.O. Box 1689, Santa Fe, NM 87504-1689

Docket No.: 19-00028-RULE-LH

IN THE MATTER OF THE PROPOSED NEW RULE 13.6.3 NMAC AND THE REPEAL OF 13.10.4 NMAC

Only signed statements, proposals or comments will be accepted. Scanned or facsimile signatures or electronic signatures conforming to federal and state court requirements will be accepted with the understanding that if there is any dispute regarding a signature, OSI reserves the right to require that original signatures be provided to verify the electronic or facsimile signature. All filings must be received between the hours of 8:00 a.m. and 4:00 p.m. Monday through Friday except on state holidays. Any filings after 4:00 will be filed to the docket the next business day.

SPECIAL NEEDS: Any person with a disability who is in need of a reader, amplifier, qualified sign language interpreter, or other auxiliary aid or service to attend or participate in the hearing should contact Melissa Martinez at 505-476-0333 ten (10) business days prior to the hearing.

The Superintendent will consider all oral comments, and will review all timely submitted written comments and responses.

DONE AND ORDERED this 30th day of July 2019
./S/JOHN G. FRANCHINI