

# STATE ADVERTISING FILING REQUIREMENTS

## *FIRST CONSULTING & ADMINISTRATION, INC.*

**Note 1:** The following is presented for information only. We do not give legal advice. Every effort has been made to assure accuracy; however, no liability is created for First Consulting & Administration, Inc. by the information contained herein. Users are cautioned to review the full text of the laws, regulations and other material cited.

**Note 2:** If there is a citation in a column, advertising filing is required for that product. Additional parameters may be given as a note in that cell or the end column.

**Note 3:** Only published laws, regulations, Bulletins and some Filing Checklists are reflected in this chart unless it is noted that some citation is “proposed” – no department position nor experience of any given company is included. If your company has been asked to file and have been given a citation, please let us know.

**Note 4:** SERFF and the IIPRC (Compact) may require filing of advertising for specific products. Those requirements may or may not be reflected in this chart.

**Note 5:** Many states have filing authorization laws that say “filing may be required...to the extent required by law...” However, if no requirement has actually been issued, only reference to this footnote may be made below.

**Note 6:** We are unaware of any personal lines or commercial P/C advertising that is required to be filed.

ST	LIFE AND ANNUITIES	VARIABLE LIFE AND ANNUITIES	LONG TERM CARE	DISABILITY INCOME	MEDICARE SUPPLEMENT	OTHER PRODUCTS/NOTES
AK					File for review and approval. 3 AAC 28.503	Viatical Settlement Ads - File for review and approval. 3 AAC 31.375
AL			See Note 5		482-1-071-.19	
AR	Modified Guaranteed Annuities – File & Use. Prospectus & other sales material. Rule & Regulation 59 s 5		See Note 5		Review and approval. § 23-79-408	Minimum Basic Benefit Health Insurance - submit for approval. 23-98-110  File Annual Certificate of Compliance Rule and Regulation 41 s 17 & Rule and Regulation 11 s 19

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AZ	<p>Life settlement or viatical contract – file 10 days prior.</p> <p>§ 20-1018 All advertisement filings shall include form P-107 ADV. LH 120. R20-6-1101</p>	<p>Variable life and annuity contracts which provide benefits according to the investment experience of a separate account pursuant to A.R.S. § 20-651. A.R.S. § 20-1110</p> <p>§ 20-1018 All advertisement filings shall include form P-107 ADV. LH 120. R20-6-1101</p>	<p>Group LTC ads are exempt per 10-22-03 Exemption Order. File for review. § 20-1110, R20-6-1014</p> <p>In health advertisement, if a testimonial is used, the full name, author and copy of the testimonial filed. R20-6-201</p> <p>§ 20-1018 All advertisement filings shall include form P-107 ADV. LH 120. R20-6-1101</p>		<p>File and use Bulletin 2005-3 re Medicare</p> <p>In health advertisement, if a testimonial is used, the full name, author and copy of the testimonial filed. R20-6-201</p> <p>§ 20-1018 All advertisement filings shall include form P-107 ADV. LH 120. R20-6-1101</p>	<p>Pre-Paid Dental Plans file and use. 20-1018</p> <p>Health advertising, except Accident-only, is subject to filing prior to use per § 20-1110 and the 11-9-00 Exemption Order. 15 days suggested.</p> <p>§ 20-1018 All advertisement filings shall include form P-107 ADV. LH 120. R20-6-1101; Subscription plans – file and use 20-826.T.</p> <p>Health Care Services Organizations – file and use. 20-1057</p> <p>In health advertisement, if a testimonial is used, the full name, author and copy of the testimonial filed. R20-6-201</p> <p>Health Care Services Organization file annual certificate of compliance. R20-6-405</p>
CA	<p>File Accelerated Death Benefit advertising prior to use (see additional submission requirements). Ins § 10295.11</p>	<p>Investment Annuity advertisement (and any revisions) must be filed 30 days prior to use. Title 10 § 2522.7</p> <p>Variable Life File 30 days prior to use. 2534.2(d)(1)</p> <p>File Accelerated Death Benefit advertising prior to use (see additional submission requirements). Ins § 10295.11</p>	<p>File 30 days before use. § 10234.9</p>	<p>See Note 5</p>	<p>File for review or approval. §1358.19 §10192.19</p>	<p>File Annual Certificate of Compliance. T. 10 s 2537</p>

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CO			See Note 5.		"Provide a written copy" 10-18-108 Submit for review. 3 CCR 702 Reg. 4-3-1 s 18	Marketing materials related to ACA Exchange products, file with forms. 3 CCR 702- Reg. 4-2-3 s 19 and Appendix A.
CT		Variable Life - File initial material 30 days prior to use; refile if substantive changes are made to materials. Reg 38a 433-3(d)(1)			See Note 5	File Annual Certificate of Compliance. 38a-819-18
DC			See Note 5		Submit a copy. 26A DCMR 2634	
DE	Guaranteed Living Benefits  Equity Index Marketing and Cost Disclosure Brochures  Source: Delaware Life & Health Product Guidelines, file for approval with product filing		See Note 5		Review and approval. 1404 s 23.0	File Annual Certificate of Compliance. 1302 s 18.0

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FL	Small group products with <a href="#">Universal Standardized Data Letter</a> . Source: Life & Health Product Review FAQ		File with <a href="#">Universal Standardized Data Letter</a> and use. FAC Rule 69O-157.115 and 627.9407(2)		File with <a href="#">Universal Standardized Data Letter</a> and use. Code 627.6735	<p>If created or used by producer, filing required by small employer carrier. FAC Rule 69O-150.213 (10)</p> <p>Filing of Health Benefit Plan marketing materials by small employer carrier 30 days prior; except broadcasts can be filed day of first use. Rule 69O-150.218</p> <p>Small group products with <a href="#">Universal Standardized Data Letter</a>. Source: Life &amp; Health Product Review FAQ</p> <hr/> <p>File Annual Certificate of Compliance. FAC Rule 69O-156.120</p>

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GA	<p>Direct response for individual or group life insurance policy, including radio or television advertisement. 33-6-4(13) (C)</p> <p>Advertisement describing annuity products along with other types of financial services or investments, file for approval... 120-2-71.15(6)</p>	<p>Direct response for individual or group VA and VL, including radio or television advertisement. 33-6-4(13)(C)</p> <p>Variable Life. File 30 business days prior. 120-2-32-.04(4)</p> <p>Advertisement describing VA products along with other types of financial services or investments, file for approval. 120-2-71-.15(6)</p> <p>See "Other Product Notes"</p>	<p>Direct response for individual or group accident and sickness policy, including radio or television advertisement. 33-6-4(13) (C)</p>	<p>Direct response for individual or group accident and sickness policy, including radio or television advertisement. 33-6-4(13) (C)</p>	<p>File for review and approval. Code 33-43-7</p>	<p>All accident and sickness or hospitalization insurance advertisements must be filed. Reg. 120-2-2-.24(2) (No longer enforced per Tom Carswell on 9-5-12 – rely instead on the required annual compliance certification.)</p> <p>Direct response for individual or group accident and sickness policy, including radio or television advertisement. 33-6-4(13) (C)</p> <p>(Tom Carswell advised this could include website materials where prospects are referred directly to company.)</p>
HI			<p>File a copy for review or approval. 431:10H-228</p>		<p>File a copy for review. 431:10A-310</p>	<p>File Annual Certificate of Compliance. 120-2-12-.19</p>
IA					<p>Pre-paid health plans, file for approval. 441-88.10</p>	<p>Pre-paid health plans, file for approval. 441-88.10</p> <p>File Annual Certificate of Compliance, 191-37.58 (In section on Medicare Supplement)</p>
ID		<p>Variable life and annuity, file copy of prospectus with forms. 18.01.16 § 013</p>	<p>File for approval. 18.01.60.026 Per .024: 30 days ahead.</p>		<p>Provide a copy for review or approval. 18.01.54.034</p>	<p>TPA advertising must be approved in writing by insurer; "insurer shall first file the advertising with the director" along with a certification of compliance for it. 41-905</p>

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IL	Equity Index annuities for information: Source, filing checklist: <a href="http://insurance.illinois.gov/LAH_HMO_I S3_Checklists/IndividualEquityIndexedAnnuity.pdf">http://insurance.illinois.gov/LAH_HMO_I S3_Checklists/IndividualEquityIndexedAnnuity.pdf</a> 215 ILCS 5/143(1)				File with informational transmittal form. 50 IL Adm. Code 2008.90 (h)	File Annual Certificate of Compliance. 760:1-18-20; 50 Ill. Adm. Code 2002.180
IN			File for review and approval. 760:2-14-2		File a copy. 760:3-16-1	File Annual Certificate of Compliance. 760:1-18-20
KS			See Note 5			
KY			File for review. 806 KAR 17:081 §19		File for review. 806 KAR 17:570 §20	HMO Open Enrollment, file for approval. Bulletin 95-12
LA	Viatical Settlement, file for approval. R.S. 22:1794		Association products. LAC 37:XIII.Chapter 19 § 1945. Standards for Marketing Paragraph C.		New advertising materials. LAC 37:XIII. §10107 D.3.	File Annual Certificate of Compliance. LAC 37:XI.131; LAC 37:XIII.7917; LAC 37:XI.1333
MA	EI Life and EI Annuity – File advertising materials and illustrations with policy filing. Bulletin 98-17	Universal life and variable life with no-lapse guarantee, all advertising materials, including any illustrations Bulletin 00-02			File at least 15 days prior for review. 211 CMR 71.17	
MD			Submit copy for review 30 days prior. (Also includes Long Term Nursing Home) 31.14.01.15		File 5 days prior. 15-923: 31.10.05.14 31.10.06.05 See Bulletin 14-13 for federal requirements	

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					pertaining to Medicare Advantage, Prescription Drug plans and Section 1876 Cost Plans.	File Annual Certificate of Compliance. COMAR 31.15.02.18B; Revised Bulletin 11-32
ME			File for approval 30 days prior; deemer after 30 days. Rule 425 s21		File for review or approval 30 days prior. 24-A 5006-A.	File Annual Certificate of Compliance. Rule 140 s 11
MI			File for review 45 days prior. Include copy of matching policy and forms with status of approval of same. 500.3941		File 45 days prior. Include copy of matching policy and forms with status of approval of same. 500.3847	Agents must keep file of agency produced ads not product or company specific, with manner and extent of distribution. National ads not intended for MI should include a disclaimer for MI. 500.668
MN			File a copy. § 62S.28, subd. 1 SERFF instructions. Bulletin 2009-1		File a copy. § 62A.31, subd. 5 SERFF instructions. Bulletin 2009-1	File Annual Certificate of Compliance. 2790.2000
MO			Filing requirements. 20 CSR 400-4.100 (20A)		See Note 5	Missouri Filing Guidelines specify advertising is filed for information, not approval, but has no specific line of business requirement. <a href="https://insurance.mo.gov/industry/filings/lh/documents/2016FilingGuidelines.pdf">https://insurance.mo.gov/industry/filings/lh/documents/2016FilingGuidelines.pdf</a>

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MS	No policy sold without filing sales material. 19-2-1.03.1 (D) - see comment in Notes Column 19-2-2.14 Life insurance offered to college students with premium finance. File for approval. Bulletin 80-1 – Must file all advertising relating to Indeterminate Premium Policies.	19-2-1.03.1(D) – see comment in Notes Column			File for review and approval. 83-9-110; 19-1-16.18	Ins. Sales on the Premises of lending institutions File 30 days prior 19-1-17.06 Material used in sale of "trusteed group" insurance 19-1-10.01 Dept. advises they want filings, but don't have authority. Rule limited to certain types. 19-2-1.03.1(D) not clear.  File Annual Certificate of Compliance. 19-1-16.16; 19-3-5.17
MT		Submit final, dated and effective prospectus; file and use. 33-20-606	File for review or approval. 6.6.3113A;		File for approval. 33-22-910 "And other senior market products" Source: filing instructions	Viatical Settlement products. Source: filing instructions
NC	See Note 5	Variable Annuity – File sample prospectus. T11 NCAC 12.0420(1)	"Filed with and accepted by the Commissioner." 11 NCAC 12.1017		File for review or approval. 58-54-35	File Annual Certificate of Compliance. 11 NCAC 12 .0431; 11 NCAC 12 .0534
ND	Indexed. Include 4 illustrations showing minimum guarantee, poor, average and favorable results; also advise Dept. of special training provided to agents. Bulletin 2002-1 (1-8-2002)		File a copy for review or approval. § 45-06-05-09.1 (See Note 5 above)		File a copy for review or approval. 26.1-36.1-07 & 45-06-01.1-16 (See Note 5 above)	For Short-Term Care, file a copy for review or approval. §45-06-15-10. (See Note 5 above.)



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NE			Regulation 210 NAC Chap 46 § 019, but see Note (4)		File for review. 210 NAC Ch 48-007 44-3608.01 210 NAC Ch. 36 s 021 210 NAC Ch. 54 s. 009	As of 11-09, the Dept. may be asking to see advertising on products with lengthy surrender periods (15+ years), based on Suitability requirements.
						File Annual Certificate of Compliance. 210 NAC Ch. 14 s 018
NH			Ins 3601.21  Eff. 5-1-04		1902.14 1903.06 1905.16 File for review.	HMOs to file advertising prior to use on an informational basis. NH Section RSA 420-B:8, VI
						File Annual Certificate of Compliance. Ins 2602.09; Ins 2603.16; Ins 2601.18
NJ			(See Notes field to the right.) NJAC 11:4-16.9	(See Notes field to the right.) NJAC 11:4-16.9	File 30 days prior 17B:26A-10,	Individual health sold on direct mail or mass-marketed basis, include copies of advertising materials along with the filing of the forms. However sold, filing must include description of marketing and target market. NJAC 11:4-16.9
						File Annual Certificate of Compliance. NJAC 11:2-11.18; NJAC 11:2-23.8
NM	Equity Index Annuity Checklist requires and marketing material and illustrations to be used with client to be filed with the policy. Available only through SERFF.		& Bulletin 2015-016 File all health for approval	13.10.23.13 NMAC Bulletin 2015-016 file all health	59A-24A-12 File for review and approval. 13.10.8.52 NMAC 13.10.23.13 NMAC Bulletin 2015-016	Managed health care plans. File and use after 60 days. 13.10.23.13 NMAC. 13 .10.9.12 NMAC Minimum Health Care Protection 59A-48-16 Prepaid Dental Plans

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						File Annual Certificate of Compliance. 13.9.2.13 NMAC; I 13.10.4.22 NMAC
NV	Submit brochures, sales material and brief description of marketing and distribution plans for flexible premium adjustable Life products. Bulletin 29, 1.a., d.	Bulletins 29 and 06-009.	Provide for review and approval. NAC 687B.0775		Furnish for review. NAC 687B.280	Dental plans submit for approval 30 days prior (under Chapter 695D, not life/health insurers). 695D.230 Submit Advertising for selling to groups (Associations) formed to purchase insurance. NAC 689B.020.5
NY	Life insurance in correlation to sale of mutual funds. Includes illustrations. File for approval. Cir Ltr 1968-5	Life insurance in correlation to sale of mutual funds. Cir Ltr 1968-5			11 NYCRR 52.22(b)(9) 11 NYCRR 215.5(d)	If advertising financial condition before filing of financial statement, file 2 copies with a certification. 11 NY ADC 75.11  File Annual Certificate of Compliance. 11 NYCRR 215.17; 11 NYCRR 219.5
OH			See Note 5.		File for review and approval. 3923.336	
OK	Individual and group equity index life and annuity File with policy for approval. Title 36 § 1216 (2)(g) Source EI filing checklist: <a href="https://www.ok.gov/oid/documents/Form%20Filing%20Guidelines%20F">https://www.ok.gov/oid/documents/Form%20Filing%20Guidelines%20F</a>	File with policy for approval 60 days prior. 365:10-9-14(b)	Informational filing. 365:10-5-48.1(a)	365:10-3-6 (3)(C) Appears to require prior approval on any ads including an application or enrollment form (health).	365:10-5-136, but see Note 5 above	Title 36 § 4089 "Life Settlement" contracts. File 60 days prior. Title 36 § 6156: Prepaid dental, File for approval 365:10-3-6 (3)(C) Appears to require prior approval on any ads including an application or enrollment form (health).

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	<p>or%20Equity%20Indexed%20Products.pdf</p> <p>Agent training material is included as advertising to file.</p> <p>Invitation to contract materials must be filed whenever updated.</p>					File Annual Certificate of Compliance. 365:10-3-18
OR	<p>Per Bulletin 2009-7, the department has withdrawn all prior bulletins re advertising filing requirements. Advised to refer to SERFF instructions and/or department website for general filing tips. Use Transmittal 440-3308 for Life insurance/Annuities. Illustrations may need to be filed.</p>	<p>Per Bulletin 2009-7, the department has withdrawn all prior bulletins re advertising filing requirements. Advised to refer to SERFF instructions and/or department website for general filing tips. Use Transmittal 440-3308 for Life insurance/Annuities.</p>	<p>ORS 836-052-0696 Also, refer to form 440-3308(H) and the OR website, <a href="http://www.insurance.org.gov/bulletins.html">http://www.insurance.org.gov/bulletins.html</a></p>		<p>ORS 743.687 ORS 836-052 - 0170 Refer also to Form 440-3308H.</p>	<p>Refer to Filing Transmittals 440-3308 and 440-3308H. Reportedly Group HIP</p> <p>File Annual Certificate of Compliance. OAR 836-020-0280</p>
PA	<p>If advertisement is used as disclosure statement in sales of life insurance. 31 s 83.3</p>		<p>Mail order LTC. 31 § 51.2</p>	<p>Mail order DI. 31 § 51.2</p>	<p>Mail order Med Supp. 31 § 51.2; See Note 5</p>	<p>Mail order solicitation for individual A&amp;H or franchise A&amp;H. File no later than day of 1<sup>st</sup> publication. 31 s 51.2 Initial and amended student accident policy advertisements, file for review 30 days prior. 31 PA Code § 89.99(f)</p> <p>File Annual Certificate of Compliance. 31 s 51.5</p>

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RI			See Note 5 above.		See Note 5 above.	File Annual Certificate of Compliance. R27-23-1217; R6 s 16
SC	Campus life insurance including planned presentations, file for review. R 69-20 § 4(1)		R 69-44 s 22		69-46 § XVIII Bulletin 11-88 Bulletin 1-90 R 69-46 s 19	File Annual Certificate of Compliance. R 69-17 s 17
SD			File for review 30 days prior. 20:06:21:30		File for review prior to use. 58-17A-13	
TN			.		File for review or approval 56-7-1431(a); 56-7-1457	Accident and Sickness, File 30 days prior to use, deemed after 30 days. 0780-1-8-.19  File Annual Certificate of Compliance. 0780-1-8-.17
TX			File 60 days prior for review unless just institutional. 28 TAC § 3.3838		File 60 days prior for review 28 TAC § 3.3313  HMO file 45 days prior for invitations to inquire and contract. 28 TAC § 11.603	Special simplified filing requirements for submission of substantially similar advertising. TAC 21.120  File Annual Certificate of Compliance. 28 TAC s 21.116
UT					See Note 5	
VA	Life product promoting education loan feature. File for approval. § 38.2-3113.3		File for review or approval. 14 VAC 5-200-160		File for review. 14 VAC 5-160-90, 14 VA ADC 5-170-170, 38.2-3609	
VT	Indexed life and annuity, file Buyer's				File for review or approval. Regulation H-	

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	Guide or informational material about the index. Bulletin 110, Bulletin 121				09-4 s 19	File Annual Certificate of Compliance. Regulation 71-1 s 15
WA			File for review. 284-83-100	Disability insurance, file 30 days prior. 48.20.550, 48.21.370	File 30 days prior 284-66-300	File for approval: Group illness-triggered fixed payment insurance, Hospital confinement fixed payment insurance, or other fixed payment insurance, Critical illness coverage including the required standard disclosure form. 48.20.550; 48.21.370
WI			File outline of coverage for approval prior to use. Ins. 3.46(8)3.(b)		File with the commissioner. Ins. 3.39(15)	
WV	College policies under premium finance rule, File sales material, promissory notes and other forms for approval. 114-7-5.2 Mass marketed life. Informational Letter 43		Mass marketed health. Informational Letter 43	Mass marketed health. Informational Letter 43	File for review. Rule 114-24-17 Mass marketed Medicare Supplement Informational Letter No. 43	Informational Letter 43 and Supplement Mass marketed health. File Annual Certificate of Compliance. 114-10-17

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WY			File for review and approval. Ch. 37 §15		File for review. 26-38-208	Cancer insurance. File for review. Chapter 34 Part 1 § 1 Chapter 21 is pending and will require all accident and sickness filings to be filed for approval and annual certification: As of Feb. 2017, this is under WY Attorney General's review, then to Governor, and then put out for another public comment review period. Anticipate it will be fully approved by summer.