

## Handout #2

### STATE ADVERTISING FILING REQUIREMENTS

#### *FIRST CONSULTING & ADMINISTRATION, INC.*

Note 1: The following is presented for information only. 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.

Note 3: Only published laws, regulations and Bulletins are reflected in this chart – no department position nor experience of any given company. If your company has been asked to file and have been given a citation, please let us know.

Note 4: 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, reference to this footnote will be made.

ST	LIFE AND ANNUITIES	VARIABLE LIFE AND ANNUITIES	LONG TERM CARE	DISABILITY INCOME	MEDICARE SUPPLEMENT	OTHER PRODUCTS/NOTES
AK					3 AAC Code 28.503	
AL			Regulation 91 § 21, but see Note (4).		Reg. 71 § 18	
AR	Rule & Regulation 59 § 5B(3) Modified Guaranteed Annuities – File Prospectus & other sales material.		Rule and Regulation 13 § 18		§ 23-79-408; Rule & Regulation 27 § 19	Rule & Regulation 52 §15.A Minimum Basic Benefit Health Insurance
AZ	§ 20-1110, but exempt per 11-9-00 Exemption Order (See Circular letter 2000-14)	§ 20-1110, but exempt per 11-9-00 Exemption Order (See Circular letter 2000-14)	§ 20-1110 and R20-6-1014, but Group LTC ads are exempt per 10-22-03 Exemption Order	§ 20-1110, but exempt per 11-9-00 Exemption Order (See Circular Letter 2000-14)	§ 20-1110 File and use	Prior approval required for Pre-Paid Dental Plans Health advertising, other than DI and Accident only in subject to filing prior to use per § 20-1110 and the 11-9-00 Exemption Order. § 20-1018
CA	Title 10 § 2522.7 Investment Annuity advertisement (and any revisions) must be filed 30 days prior to use.	2534.2(d)(1) File 30 days prior and use.	§ 10234.9 § 10233.9 §10232 Out-of-state issue group LTC		§10195.65	CA Ins §702 has internet requirements
CO			3CCR 702 Reg 4-4-1§ 20, but see Note (4). Dept feels advertising must be filed.		10-18-108 "Provide a copy"	Pre-paid dental advertising must be filed per 10-16-107(4)(a)
CT		Reg 38a 433-3(d)(1) Variable Life - File 30 days prior to use.	38a-501-15(c), but see Note 4		§ 38a-495-12; § 38a-495a-15	
DC					Ins. Code 35-2618(b) File for review.	
DE			Reg 63 § 20; Forms and Rates Bulletin 20 "File 30 days prior to use"		Reg 59 § 7 "Provide a copy for review" Forms and Rates Bulletin 20 "File 30 days prior to use."	

## Handout #2

### STATE ADVERTISING FILING REQUIREMENTS

*FIRST CONSULTING & ADMINISTRATION, INC.*

ST	LIFE AND ANNUITIES	VARIABLE LIFE AND ANNUITIES	LONG TERM CARE	DISABILITY INCOME	MEDICARE SUPPLEMENT	OTHER PRODUCTS/NOTES
FL	Bulletin 92-32 File sales illustration and point of sale advertising material with policy form. Includes all indeterminate value life and annuities except Term Life and variable annuities.	Bulletin 92-32 File sales illustration and point of sale advertising material with policy form. Includes all indeterminate value life and annuities except Term Life and variable annuities.	Code 627.9407(2)File 30 days prior. Bulletin 88-224 4-150.019(1)		Code 627.6735 Rule 4-156.121 File 10 days prior.	Rule 4-150.218 Small Employer Health, File 30 days prior. 627.6699 See 4-150.006 for special rule for Association Groups-
GA	120-2-71.15(6) Fixed annuities, if marketed through financial institutions.	120-2-32-04(4)Variable Life. File 30 business days prior. 120-2-71.15(6)Variable annuities, if marketed through financial institutions.	120-2-16-.10; 120-2-2-.24(2)(a-e) Direct response, file for approval; other material, file 30 days prior and use.	120-2-2-.24(2)(a-e) Must be filed with Department, either for prior approval, or by including a Certificate of Compliance.	Code 33-43-7 120-2-8-.19 "Provide a copy"	Reg. 120-2-2-.24(2) All accident and sickness or hospitalization insurance advertisements must be filed. (No longer enforced per Tom Carswell on 9-5-12 – rely instead on the required annual compliance certification.) Code Section 33-6-4(13 (c) requires prior approval of all life and health direct response advertising. (Tom Carswell advised this could include website materials where prospects are referred directly to company.)
HI			431-228		431:10A-310 File for review.	
IA						
ID		18.01.16 § 013 Variable life and annuity, file copy of prospectus only.	Chapter 60 IDAPA 18.01.60 Section 020		18.01.54.021 "Provide a copy for review or approval."	41-905 TPA advertising must be approved by insurer.
IL					.50 IL Admin. Code 2010.70	
IN			Rule 760 IAC 2-14-2 File for review and approval.		760:3-16-1	
KS			40-4-37 Bulletin 1993-9, Pt. 14 File and use.			
KY			806 KAR 17:081 §18		Bulletin 90-12 File and use. 806 KAR 17:066 § 17 "provide a copy"	
LA			(Rule 46 sec. 19. No statutory authority but DOI requests filing.)		33 § 18	

## Handout #2

### STATE ADVERTISING FILING REQUIREMENTS

*FIRST CONSULTING & ADMINISTRATION, INC.*

ST	LIFE AND ANNUITIES	VARIABLE LIFE AND ANNUITIES	LONG TERM CARE	DISABILITY INCOME	MEDICARE SUPPLEMENT	OTHER PRODUCTS/NOTES
MA	Bulletin B-98-17 EI Life and EI Annuity – File advertising materials and illustrations with policy filing.				211 CMR 71.17 File two copies 15 days prior. MA Bulletin B-94-08	Bulletin B-2000-02 Universal life and variable life with no-lapse guarantee.
MD			18-103 31.14.01.15 Submit copy for review 30 days prior. (Also includes Long Term Nursing Home)		15-923 File 5 days prior. 31.10.05.14 31.10.06.05	Note: Laws recodified 7/98 from 09 to 31.
ME			Rule - eff. 7-1-04 Chapter 425 Section 21		24-A MRSA § 5006-A Rule 275 § 19 File for approval 30 days prior.	
MI		VL & VA 500.631 File advertising, illustrations and other printed material at least 30 days prior. Note: Group VA's meet req's if are subject to review by SEC or NASD.	500.3941 File 45 days prior. Include copy of matching policy and forms with status of approval of same.		500.3847 File 45 days prior. Include copy of matching policy and forms with status of approval of same.	500.668 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
MN	61A.072, Subdiv 2 Contracts or Supplemental Contracts providing for accelerated benefits.	61A.072, Subdiv. 2 Contracts or Supplemental Contracts providing for accelerated benefits.	Chapter 62S.28 (Qualified LTC policies)		62A.31(5) Bulletin 92-4	See MN Bulletin 92-3 Item 6, July 22, 1992 which states that MN does not require advertising filing for any product, while emphasizing that Medicare advertising is required.
MO			20 CSR 400-4.100 (20A), states "must provide".		20 CSR 400 3.200(12) 376.884	
MS	LA&H 67-1 Ch. III § 1 (3)(d) and 67-1 Ch. III § 3 - see comment LA&H 73-3.14 Life insurance offered to college students with premium finance. File for approval. Bulletin 80-1 – Must file all advertising relating to Indeterminate Premium Policies.	LA&H 67-1 Ch. III § 1 (3)(d) and 67-1 Ch. III § 3 – see comment			Code 83-9-110 88-105.18 File for review and approval.	89-101 Ins. Sales on the Premises of banks File 30 days prior LA&H 76-1 Material used in sale of "trusteed group" insurance LA&H 67-1 not clear. Dept advises they want filings, but don't have authority. Rule limited to certain types.

## Handout #2

### STATE ADVERTISING FILING REQUIREMENTS

#### *FIRST CONSULTING & ADMINISTRATION, INC.*

ST	LIFE AND ANNUITIES	VARIABLE LIFE AND ANNUITIES	LONG TERM CARE	DISABILITY INCOME	MEDICARE SUPPLEMENT	OTHER PRODUCTS/NOTES
MT		33-20-606 Submit final, dated and effective prospectus; file and use.	ADC 6.6.3113A (12/18/98)		33-22-910 File for approval.	
NC		11 NCAC 12.0420 Variable Annuity – Include sales promotion material with Form Filing.	11 NCAC 12.1017 58-55-30(k) File for approval 30 days prior.		58-54-35 Directive 90-1 File for approval 30 days prior.	
ND	Bulletin 2002-1(1-8-2002) Indexed. Include dated illustrations. Must also advise Department of special training provided to agents.		§ 45-06-05-09.1 (Department may request while reviewing policy filing)		45-06-01.1-16 Allows that Department may require for review or approval, but the department has no per se approval requirements.	
NE			Regulation 210 NAC Chap 46 § 019, but see Note (4)		210 NAC Ch 48-007 File for review. 44-3608.01	As of 11-09, the dept may be asking to see advertising on products with lengthy surrender periods (15+ years), based on Suitability requirements.
NH			Ins 3601.21  Eff. 5-1-04		1902.14 1903.06 1905.16 File for review.	Per 2601.19, the commissioner MAY require filing of all health advertising for review prior to use. Effective 12-5-08.
NJ	11:4-21.3(b) Customer attestation filed for limited death benefit policies.		11:4-34 20 Repealed, eff 6-21-10		11:4-23.17 17B:26A-9 & A-10 17:35C-11(a) File 30 days prior.	NJAC 11:4-16.9 requires filing of advertising materials for individual health sold on direct mail or mass-marketed basis.
NM			13 NMAC 10.15.33 NMSA 59A-23A-11 File for review and approval.		NMSA 59A-24A-12 File for review and approval. 13 NMAC 10.8.52	13 NMAC 10.13.26 Managed health care plans. File and use after 30 days. 13 NMAC 10.9.12 Minimum Health Care Protection NMSA 59A-48-16 Prepaid Dental Plans
NV	Bulletin 29 Adjustable Life and Universal Life products.	Bulletins 29 and 06-009.	NAC 687B s23 (LCB File No R121-07, effective 10-1-08)		NAC 687B.280 File for review. Bulletin 88-006	695D.230 - Dental plans under Chapter 695D, not life/health insurers. File 30 days prior for approval. NAC 689B.020 – requires filing for advertising used to sell Group Health through Associations.

## Handout #2

### STATE ADVERTISING FILING REQUIREMENTS

#### *FIRST CONSULTING & ADMINISTRATION, INC.*

ST	LIFE AND ANNUITIES	VARIABLE LIFE AND ANNUITIES	LONG TERM CARE	DISABILITY INCOME	MEDICARE SUPPLEMENT	OTHER PRODUCTS/NOTES
NY	Cir Ltr 1968-5 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.			11 NYCRR 52.22(b)(9) 11 NYCRR 215.5(d)	11 NY ADC 75.11 If advertising financial condition before filing of financial statement, file 2 copies with a certification.
OH			3901-4-01 (u) and (v) – Association groups only, upon request. But, see Note (4).		3901-1-41 § (S)(1) 3923.336 File for approval.	
OK	Title 36 § 1216 (2)(g) Life and Annuity with series of Guaranteed Annual endowment benefits. File with policy for approval.	365:10-9-14(b). Individual and Group Variable Annuity File with policy 60 days prior.	365:10-5-48.1		365:10-5-136, but see Note 4	Title 36 § 4089 "Life Settlement" contracts. File 60 days prior. Title 36 § 6156 Prepaid dental File for approval
OR	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.	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.	ORS 836-052-0696 Also, refer to form 440-3308(H) and the OR website, <a href="http://www.insurance.oregon.gov/bulletins.html">http://www.insurance.oregon.gov/bulletins.html</a>		ORS 743.687 ORS 836-052 - 0170 Refer also to Form 440-3308H.	Refer to Filing Transmittals 440-3308 and 440-3308H.
PA	31 PA Code § 83.3 If advertising is used as disclosure statement. 31 Pa Code § 87.3 Products with guaranteed annual endowment benefits.	31 PA Code § 87.9 Merchandising of Mutual Funds	31 PA Code § 51.2 Mail order LTC	31 PA Code § 51.2 Mail order DI	31 PA Code § 89.785	31 PA Code § 51.2 Mail order for individual A&H or franchise A&H. 31 PA Code § 89.99(f) Student accident. File 30 days prior for review.
RI					R27-46-018	
SC	69-20 Bulletin 20-75 Campus life insurance.				69-46 § XVIII Bulletin 11-88 Bulletin 1-90	Bulletin 2-80 (1)(d) Prepaid dental.
SD			ARSD 20:06:21:30 File 30 days prior.		58-17A-13 File for review.	
TN			0780-1-61-.23 LTC Advertising Sold through Association groups.		TCA § 56-7-1431 TCA § 56-7-1457 0780-1-58-.19 File for review or approval by the proposed effective date.	Dept advised that they require all LTC advertising to be filed, not just that sold through associations.

## Handout #2

### STATE ADVERTISING FILING REQUIREMENTS

#### *FIRST CONSULTING & ADMINISTRATION, INC.*

ST	LIFE AND ANNUITIES	VARIABLE LIFE AND ANNUITIES	LONG TERM CARE	DISABILITY INCOME	MEDICARE SUPPLEMENT	OTHER PRODUCTS/NOTES
TX		28 TAC § 3.803 (4)(A) Variable life. File 60 days prior.	28 TAC § 3.3838  File 60 days prior.		28 TAC § 3.3313 TIC Article 3.74 § 9 File 60 days prior.	28 TAC § 3.1707 (b) Viatical settlements § TAC 21.120 sets forth special simplified filing requirements for submission of substantially similar advertising.
UT	Rule R590-226-5 File illustration for life products.		R590-148-20 Provide a copy upon request.		31A-22-620 (7) File for review.	
VA	38.2-3113.3 § 5 Admin Letter 2000-B Chapter 173.7 Life product promoting education loan feature. File for approval.		14 VA ADC 5-200-160		14 VAC 5-160-90 114 CSR 24 § 16 14 VA ADC 5-170-170 38.2-3609	
VT	Bulletin 110 Indexed annuity, file Buyer's Guide or informational material. Bulletin 121 Indexed life insurance, file draft or final copy of Buyer's Guide or informational material.		H-09-1 §22 File for review and approval.		H-09-1 §19 File for review or approval.	Regulation 71-1 §18 Upon Commissioner's order, file for approval prior to use.
WA			284-83-100, effective 1-1-09, and 284-85-070 LTC Partnership contracts. File 30 days prior.		284-55-180 284-66-300 File 30 days prior.	48.20 550 and 48.21.370 All advertising material, including the required standard disclosure form, for critical illness coverage must be filed for approval.
WI			Rule 3.46(8)(b) Requires LTC outline of coverage to be approved prior to use; Dept. will request LTC marketing material per Ins 3.46(22) and Ins 3.27		Rule 3.39(15) Bulletin 12/1/89	
WV	Rule 114-7-5.2 College policies under premium finance rule.,. File sales material, promissory notes and other forms, for approval. Letter 43 Letter 58 Mass marketed life.		114-32-16 Letter No. 87 Long-term care. Letter 43 Letter 58 Mass marketed health.	Letter 43 Letter 58 Mass marketed health.	Rule 114-24-17 Letter No. 56 File for review. Letter No. 58 Mass marketed Medicare Supplement.	Letter 43 Letter 58 Mass marketed health.

## Handout #2

### STATE ADVERTISING FILING REQUIREMENTS

#### *FIRST CONSULTING & ADMINISTRATION, INC.*

ST	LIFE AND ANNUITIES	VARIABLE LIFE AND ANNUITIES	LONG TERM CARE	DISABILITY INCOME	MEDICARE SUPPLEMENT	OTHER PRODUCTS/NOTES
WY		Chapter 27 § 6 Variable life and annuity; individual and group (File prospectus whenever updated).	26-38-110		Statute § 26-38-208 File for review.	Chapter 34 Part 1 § 1 Cancer insurance. File with policy prior to use.