

**CERTIFICATION OF ADMINISTRATIVE RULES
FILED WITH THE LEGISLATIVE SERVICES AGENCY
OTHNI LATHRAM, DIRECTOR**

(Pursuant to Code of Alabama 1975, §41-22-6, as amended).

I certify that the attached is/are correct copy/copies of rule/s as promulgated and adopted on Tuesday, June 11, 2024, and filed with the agency secretary on Tuesday, June 11, 2024.

AGENCY NAME: Alabama Department of Insurance

INTENDED ACTION: Amend

RULE NO.: Chapter 482-1-075

(If amended rule, give specific paragraph, subparagraphs, etc., being amended) **482-1-075**

RULE TITLE: Smoker - Non-Smoker Mortality Tables for Use in Determining Minimum Reserve Liabilities and Nonforfeiture Benefits

ACTION TAKEN: State whether the rule was adopted with or without changes from the proposal due to written or oral comments:

Adopted without changes. No comments received.

NOTICE OF INTENDED ACTION PUBLISHED IN VOLUME XLII, ISSUE NO. 7, AAM,
DATED TUESDAY, APRIL 30, 2024.

STATUTORY RULEMAKING AUTHORITY: Ala. Code § 27-2-17

(Date Filed)
(For LRS Use Only)
REC'D & FILED
JUN 12, 2024
LEGISLATIVE SVC AGENCY

Reyn Norman
Reyn Norman
Certifying Officer or his or her Deputy

(NOTE: In accordance with §41-22-6(b), as amended, a proposed rule is required to be certified within 90 days after completion of the notice.)

ALABAMA DEPARTMENT OF INSURANCE
ADMINISTRATIVE CODE

CHAPTER 482-1-075
SMOKER - NON-SMOKER MORTALITY TABLES FOR USE IN DETERMINING
MINIMUM RESERVE LIABILITIES AND NONFORFEITURE BENEFITS

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482-1-075-.01 Authority.

This Rule is promulgated by the Commissioner of Insurance pursuant to Sections 27-15-70 to 27-15-83, of the Code of Ala. 1975.

Author: Commissioner of Insurance

Statutory Authority: Code of Ala. 1975, §27-15-70 to 27-15-83

History: New: November 4, 1985; effective November 15, 1985.

Filed for codification in the Alabama Administrative Code by the Department of Insurance on December 16, 2003, pursuant to the Code of Ala. 1975, §27-7-43. **Amended:** Published April 30, 2024; effective July 1, 2024.

482-1-075-.02 **Purpose.**

The purpose of this chapter is to permit the use of mortality tables that reflect differences in mortality between smokers and nonsmokers in determining minimum reserve liabilities and minimum cash surrender values and amounts of paid-up nonforfeiture benefits for plans of insurance with separate premium rates for smokers and nonsmokers.

Author: Commissioner of Insurance

Statutory Authority: Code of Ala. 1975, §§27-15-70 to 27-15-83.

History: New: November 4, 1985; effective November 15, 1985.

Filed for codification in the Alabama Administrative Code by the Department of Insurance on December 16, 2003, pursuant to the Code of Ala. 1975, §27-7-43. **Amended:** Published April 30, 2024; effective July 1, 2024.

482-1-075-.03 **Definitions.**

The following definitions shall apply for purposes of this chapter:

(1) 1980 CSO TABLE, WITH OR WITHOUT TEN-YEAR SELECT MORTALITY FACTOR. The mortality table, consisting of separate rates of mortality for male and female lives, developed by the Society of Actuaries Committee to Recommend New Mortality Tables for Valuation of Standard Individual Ordinary Life Insurance, incorporated in the 1980 NAIC Amendments to the Model Standard Valuation Law and Standard Nonforfeiture Law for Life Insurance, and referred to in those models as the Commissioners 1980 Standard Ordinary Mortality Table, with or without Ten-Year Select Mortality Factors. The same select factors will be used for both smokers and nonsmokers tables.

(2) 1980 CET TABLE. The mortality table consisting of separate rates of mortality for male and female lives, developed by the Society of Actuaries Committee to Recommend New Mortality Tables for Valuation of Standard Individual Ordinary Life Insurance, incorporated in the 1980 NAIC Amendments to the Model Standard Nonforfeiture Law for Life Insurance, and referred to in those models as the Commissioners 1980 Extended Term Insurance Table.

(3) 1958 CSO TABLE. The mortality table developed by the Society of Actuaries Special Committee on New Mortality Tables, incorporated in the NAIC Model Standard Nonforfeiture

Law for Life Insurance, and referred to in that model as the Commissioners 1958 Standard Ordinary Mortality Table.

(4) 1958 CET TABLE. The mortality table developed by the Society of Actuaries Special Committee on New Mortality Tables, incorporated in the NAIC Model Standard Nonforfeiture Law for Life Insurance, and referred to in that model as the Commissioners 1958 Extended Term Insurance Table.

(5) SMOKER AND NONSMOKER MORTALITY TABLES. The mortality tables with separate rates of mortality for smokers and nonsmokers derived from the tables defined in (1) through (4) of this rule which were developed by the Society of Actuaries Task Force on Smoker/Nonsmoker Mortality and the California Insurance Department staff and recommended on the NAIC Technical Staff Actuarial Group.

(6) COMPOSITE MORTALITY TABLES. The mortality tables defined in (1) through (4) of this rule as they were originally published with rates of mortality that do not distinguish between smokers and nonsmokers.

Author: Commissioner of Insurance

Statutory Authority: Code of Ala. 1975, §§27-15-70 to 27-15-83.

History: New: November 4, 1985; effective November 15, 1985.

Filed for codification in the Alabama Administrative Code by the Department of Insurance on December 16, 2003, pursuant to the Code of Ala. 1975, §27-7-43. **Amended:** Published April 30, 2024; effective July 1, 2024.

482-1-075-.04 Alternate Tables.

(1) For any policy of insurance delivered or issued for delivery in this state after the operative date of Section 27-15-78(k) for that policy form and before January 1, 1989, at the option of the company and subject to the conditions stated in Rule 482-1-075-.05 of this chapter,

(a) the 1958 CSO Smoker and Nonsmoker Mortality Tables may be substituted for the 1980 CSO Table, with or without Ten-Year-Select Mortality Factors, and

(b) the 1958 CET Smoker and Nonsmoker Mortality Tables may be substituted for the 1980 CET Table

for use in determining minimum reserve liabilities and minimum cash surrender values and amounts of paid-up nonforfeiture benefits.

Provided that for any category of insurance issued on female lives with minimum reserve liabilities and minimum cash surrender values and amounts of paid-up nonforfeiture benefits determined using the 1958 CSO or 1958 CET Smoker and Nonsmoker Mortality Tables, such minimum values may be calculated according to an age not more than six years younger than the actual age of the insured.

Provided further that the substitution of the 1958 CSO or 1958 CET Smoker and Nonsmoker Mortality Tables is available only if made for each policy of insurance on a policy form delivered or issued for delivery on or after the operative date for that policy form and before a date not later than January 1, 1989.

(2) For any policy of insurance delivered or issued for delivery in this state after the operative date of Section 27-15-78(k) for that policy form, at the option of the company and subject to the conditions stated in Rule 482-1-075-.05 of this chapter,

(a) the 1980 CSO Smoker and Nonsmoker Mortality Tables, with or without Ten-Year Select Mortality Factors, may be substituted for the 1980 CSO Table, with or without Ten-Year Select Mortality Factors, and

(b) the 1980 CET Smoker and Nonsmoker Mortality Tables may be substituted for the 1980 CET Table for use in determining minimum reserve liabilities and minimum cash surrender values and amounts of paid-up nonforfeiture benefits.

Author: Commissioner of Insurance

Statutory Authority: Code of Ala. 1975, §§27-15-70 to 27-15-83.

History: New: November 4, 1985; effective November 15, 1985.

Filed for codification in the Alabama Administrative Code by the Department of Insurance on December 16, 2003, pursuant to the Code of Ala. 1975, §27-7-43. **Amended:** Published April 30, 2024; effective July 1, 2024.

482-1-075-.05 Conditions.

For each plan of insurance with separate rates for smokers and nonsmokers an insurer may

(a) use composite mortality tables to determine minimum reserve liabilities and minimum cash surrender values and amounts of paid-up nonforfeiture benefits,

(b) use smoker and nonsmoker mortality tables to determine the valuation net premiums and additional minimum reserves, if any, required by Section 27-36A-12 and use composite mortality tables to determine the basic minimum reserves, minimum cash surrender values and amounts of paid-up nonforfeiture benefits, or

(c) use smoker and nonsmoker mortality to determine minimum reserve liabilities and minimum cash surrender values and amounts of paid-up nonforfeiture benefits.

Author: Commissioner of Insurance

Statutory Authority: Code of Ala. 1975, §§27-15-70 to 27-15-83.

History: New: November 4, 1985; effective November 15, 1985.

Filed for codification in the Alabama Administrative Code by the Department of Insurance on December 16, 2003, pursuant to the Code of Ala. 1975, §27-7-43. **Amended:** Published April 30, 2024; effective July 1, 2024.

482-1-075-.06 Separability.

If any provision of this chapter or the application thereof to any person or circumstance is for any reason held to be invalid, the remainder of the chapter and the application of such provision to other persons or circumstances shall not be affected thereby.

Author: Commissioner of Insurance

Statutory Authority: Code of Ala. 1975, §§27-15-70 to 27-15-83.

History: New: November 4, 1985; effective November 15, 1985.

Filed for codification in the Alabama Administrative Code by the Department of Insurance on December 16, 2003, pursuant to the Code of Ala. 1975, §27-7-43. **Amended:** Published April 30, 2024; effective July 1, 2024.

482-1-075-.07 Effective Date.

The effective date of this chapter is November 15, 1985.

Author: Commissioner of Insurance

Statutory Authority: Code of Ala. 1975, §§27-15-70 to 27-15-83.

History: New: November 4, 1985; effective November 15, 1985.

Filed for codification in the Alabama Administrative Code by the Department of Insurance on December 16, 2003, pursuant to the Code of Ala. 1975, §27-7-43. **Amended:** Published April 30, 2024; effective July 1, 2024.