

**1200 Life Insurance and Annuities**

**1206 Mixed-gender Mortality Tables [Formerly Regulation 48]**

**1.0 Authority**

This Regulation is promulgated by the Department of Insurance pursuant to 18 **Del.C.** §2929.

**2.0 Purpose**

The purpose of this Regulation is to adopt the NAIC Model Regulation which permits individual life insurance policies to provide the same cash surrender values and paid-up nonforfeiture benefits to both men and women. No change in minimum valuation standards is implied by this Regulation.

**3.0 Definitions**

3.1 As used in this Regulation

**"1980 CSO Table, with or without Ten-Year Select Mortality Factors"** means that 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.

**"1980 CSO Table (M), with or without Ten-Year Select Mortality Factors"** means that mortality table consisting of the rates of mortality for male lives from the 1980 CSO Table, with or without Ten-Year Select Mortality Factors.

**"1980 CSO Table (F), with or without Ten-Year Select Mortality Factors"** means that mortality table consisting of the rates of mortality for female lives from the 1980 CSO Table, with or without Ten-Year Select Mortality Factors.

**"1980 CET Table"** means that 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 Extended Term Insurance Table.

**"1980 CET Table (M)"** means that mortality table consisting of the rates of mortality for male lives from the 1980 CET Table.

**"1980 CET Table (F)"** means that mortality table consisting of the rates of mortality for female lives from the 1980 CET Table.

**4.0 Rule**

4.1 For any policy of insurance on the life of either a male or female insured delivered or issued for delivery in this State after the operative date of 18 **Del.C.** §2929(g)(11) for that policy form,

4.1.1 a mortality table which is a blend of the 1980 CSO Table (M) and the 1980 CSO Table (F) with or without Ten-Year Select Mortality Factors may at the option of the company be substituted for the 1980 CSO Table, with or without Ten-Year Select Mortality Factors, and

4.1.2 a mortality table which is of the same blend as used in (i) but applied to form a blend of the 1980 CET Table (M) and the 1980 CET Table (F) may at the option of the company be substituted for the 1980 CET Table for use in determining minimum cash surrender values and amounts of paidup nonforfeiture benefits.

4.1.3 The following tables will be considered as the basis for acceptable tables:

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- 4.1.3.1 100% Male 0% Female for tables to be designated as the "1980 CSO-A" and "1980 CET-A" tables.
- 4.1.3.2 80% Male 20% Female for tables to be designated as the "1980 CSO-B" and "1980 CET-B" tables.
- 4.1.3.3 60% Male 40% Female for tables to be designated as the "1980 CSO-C" and "1980 CET-C" tables.
- 4.1.3.4 50% Male 50% Female for tables to be designated as the "1980 CSO-D" and "1980 CET-D" tables.
- 4.1.3.5 40% Male 60% Female for tables to be designated as the "1980 CSO-E" and "1980 CET-E" tables.
- 4.1.3.6 20% Male 80% Female for tables to be designated as the "1980 CSO-F" and "1980 CET-F" tables.
- 4.1.3.7 0% Male 100% Female for tables to be designated as the "1980 CSO-G" and "1980 CET-G" tables.
- 4.1.4 Tables A and G (4.1.3.1 and 4.1.3.7) are not to be used with respect to policies issued on or after January 1, 1985, except where the proportion of persons insured is anticipated to be 90% or more of one sex or the other or except for certain policies converted from group insurance. Such group conversions issued on or after January 1, 1986 must use Mortality Tables based on the blend of lives by sex expected for such policies if such group conversions are considered as extensions of the Norris decision. This consideration has not been clearly defined by court or legislative action in all jurisdictions.
- 4.1.5 The values for the tables are as published in Appendix I of the NAIC Model Regulation, Mixed-Gender Mortality Tables, December 1983, and are adopted by reference as is the memorandum which is Appendix 11 of that document.

**5.0 Unfair Discrimination**

It shall not be a violation of 18 **Del.C.** §2304(13) for an insurer to issue the same kind of policy of life insurance on both a sex-distinct and sex-neutral basis.

**6.0 Separability**

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

**7.0 Effective Date**

- 7.1 The effective date of this Regulation is December 30, 1984.
- 7.2 Notwithstanding the above, insurers obligated to comply with the Norris decision (Norris v. Arizona Governing Committee, August 1, 1983) may use the blended tables described in Section 4 for affected business.
- 7.3 Insurers may use this Regulation for the preparation of the annual statement for the year ending December 31, 1984 and thereafter.

1988 amendment: In the introductory paragraph to §4 of Regulation No. 48, Rule, following the words "in this State" the words "before January 1, 1989 and" were deleted, effective 30 days after July 27, 1988.