

**RECOGNITION OF THE 2001 CSO MORTALITY TABLE FOR USE IN DETERMINING
MINIMUM RESERVE LIABILITIES AND NONFORFEITURE BENEFITS MODEL REGULATION**

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Section 1. Authority

This regulation is promulgated by the Commissioner of Insurance pursuant to Sections [insert applicable references to Section 4A(c) of the Standard Valuation Law and Section 5cH(6) of the Standard Nonforfeiture Law for Life Insurance] of the [insert state] Insurance Laws and Sections [insert applicable references to Sections 5A and 5B of the Valuation of Life Insurance Model Regulation] of the [insert state] Insurance Regulations.

Drafting Note: The reference to the Valuation of Life Insurance Policies Model Regulation should be omitted by states that have not adopted that model.

Section 2. Purpose

The purpose of this regulation is to recognize, permit and prescribe the use of the 2001 Commissioners Standard Ordinary (CSO) Mortality Table in accordance with [insert applicable references to Section 4A(c) of the Standard Valuation Law and Section 5cH(6) of the Standard Nonforfeiture Law for Life Insurance] of the [insert state] Insurance Laws and Sections [insert applicable references to Sections 5A and 5B of the Valuation of Life Insurance Model Regulation] of the [insert state] Insurance Regulations.

Section 3. Definitions

- A. “2001 CSO Mortality Table” means that mortality table, consisting of separate rates of mortality for male and female lives, developed by the American Academy of Actuaries CSO Task Force from the Valuation Basic Mortality Table developed by the Society of Actuaries Individual Life Insurance Valuation Mortality Task Force, and adopted by the NAIC in December 2002. The 2001 CSO Mortality Table is included in the *Proceedings of the NAIC (2nd Quarter 2002)*. Unless the context indicates otherwise, the “2001 CSO Mortality Table” includes both the ultimate form of that table and the select and ultimate form of that table and includes both the smoker and nonsmoker mortality tables and the composite mortality tables. It also includes both the age-nearest-birthday and age-last-birthday bases of the mortality tables.
- B. “2001 CSO Mortality Table (F)” means that mortality table consisting of the rates of mortality for female lives from the 2001 CSO Mortality Table.
- C. “2001 CSO Mortality Table (M)” means that mortality table consisting of the rates of mortality for male lives from the 2001 CSO Mortality Table.
- D. “Composite mortality tables” means mortality tables with rates of mortality that do not distinguish between smokers and nonsmokers.
- E. “Smoker and nonsmoker mortality tables” means mortality tables with separate rates of mortality for smokers and nonsmokers.

Section 4. 2001 CSO Mortality Table

- A. At the election of the company for any one or more specified plans of insurance and subject to the conditions stated in this regulation, the 2001 CSO Mortality Table may be used as the minimum standard for policies issued on or after January 1, 200[] [insert January 1 of the year next following or coincident with the effective date of this regulation] and before the date specified in Subsection B to which [insert applicable references to Section 4A(c) of the Standard Valuation Law, Section 5cH(6) of the Standard Nonforfeiture Law for Life Insurance, and Sections 5A and 5B of the Valuation of Life Insurance Policies Model Regulation] are applicable. If the company elects to use the 2001 CSO Mortality Table, it shall do so for both valuation and nonforfeiture purposes.
- B. Subject to the conditions stated in this regulation, the 2001 CSO Mortality Table shall be used in determining minimum standards for policies issued on and after January 1, 2009, to which [insert applicable references to Section 4A(c) of the Standard Valuation Law, Section 5cH(6) of the Standard Nonforfeiture Law for Life Insurance, and Sections 5A and 5B of the Valuation of Life Insurance Policies Model Regulation] are applicable.

Drafting Note: States should note that there is no new Commissioners Extended Term (CET) Table being proposed to replace the 1980 CET Table. Therefore, the new minimum basis for the computation of values related to extended term benefits will be the 2001 CSO Mortality Table.

Section 5. Conditions

- A. For each plan of insurance with separate rates for smokers and nonsmokers an insurer may use:
- (1) Composite mortality tables to determine minimum reserve liabilities and minimum cash surrender values and amounts of paid-up nonforfeiture benefits;
 - (2) Smoker and nonsmoker mortality tables to determine the valuation net premiums and additional minimum reserves, if any, required by Section [insert applicable reference corresponding to Section 8 of the NAIC Model Standard Valuation Law] and use composite mortality tables to determine the basic minimum reserves, minimum cash surrender values and amounts of paid-up nonforfeiture benefits; or
 - (3) Smoker and nonsmoker mortality to determine minimum reserve liabilities and minimum cash surrender values and amounts of paid-up nonforfeiture benefits.
- B. For plans of insurance without separate rates for smokers and nonsmokers the composite mortality tables shall be used.
- C. For the purpose of determining minimum reserve liabilities and minimum cash surrender values and amounts of paid-up nonforfeiture benefits, the 2001 CSO Mortality Table may, at the option of the company for each plan of insurance, be used in its ultimate or select and ultimate form, subject to the restrictions of Section 6 and [insert applicable reference to the Valuation of Life Insurance Policies Model Regulation] relative to use of the select and ultimate form.
- D. When the 2001 CSO Mortality Table is the minimum reserve standard for any plan for a company, the actuarial opinion in the annual statement filed with the commissioner shall be based on an asset adequacy analysis as specified in Sections [insert applicable references to Section 5A of the Actuarial Opinion and Memorandum Regulation] of the [insert state] Insurance Regulations. A commissioner may exempt a company from this requirement if it only does business in this state and in no other state.

Section 6. Applicability of the 2001 CSO Mortality Table to [insert applicable reference to the Valuation of Life Insurance Policies Model Regulation]

- A. The 2001 CSO Mortality Table may be used in applying [insert applicable reference to the Valuation of Life Insurance Policies Model Regulation] in the following manner, subject to the transition dates for use of the 2001 CSO Mortality Table in Section 4 of this regulation (unless otherwise noted, the references in this section are to the [insert applicable reference to the Valuation of Life Insurance Policies Model Regulation]):
- (1) Section 3A(2)(b): The net level reserve premium is based on the ultimate mortality rates in the 2001 CSO Mortality Table.
 - (2) Section 4B: All calculations are made using the 2001 CSO Mortality Rate, and, if elected, the optional minimum mortality standard for deficiency reserves stipulated in Section 6A(4) of this regulation. The value of " $q_{x+k+t-1}$ " is the valuation mortality rate for deficiency reserves in policy year $k+t$, but using the unmodified select mortality rates if modified select mortality rates are used in the computation of deficiency reserves.
 - (3) Section 5A: The 2001 CSO Mortality Table is the minimum standard for basic reserves.
 - (4) Section 5B: The 2001 CSO Mortality Table is the minimum standard for deficiency reserves. If select mortality rates are used, they may be multiplied by X percent for durations in the first segment, subject to the conditions specified in Sections 5B(3)(a) to (i). In demonstrating compliance with those conditions, the demonstrations may not combine the results of tests that utilize the 1980 CSO Mortality Table with those tests that utilize the 2001 CSO Mortality Table, unless the combination is explicitly required by regulation or necessary to be in compliance with relevant Actuarial Standards of Practice.
 - (5) Section 6C: The valuation mortality table used in determining the tabular cost of insurance shall be the ultimate mortality rates in the 2001 CSO Mortality Table.
 - (6) Section 6E(4): The calculations specified in Section 6E shall use the ultimate mortality rates in the 2001 CSO Mortality Table.
 - (7) Section 6F(4): The calculations specified in Section 6F shall use the ultimate mortality rates in the 2001 CSO Mortality Table.
 - (8) Section 6G(2): The calculations specified in Section 6G shall use the ultimate mortality rates in the 2001 CSO Mortality Table.
 - (9) Section 7A(1)(b): The one-year valuation premium shall be calculated using the ultimate mortality rates in the 2001 CSO Mortality Table.
- B. Nothing in this section shall be construed to expand the applicability of [insert applicable reference to the Valuation of Life Insurance Policies Model Regulation] to include life insurance policies exempted under Section 3A of [insert applicable reference to the *Valuation of Life Insurance Policies Model Regulation*] (#830).

Drafting Note: This section should be omitted by states that have not adopted the *Valuation of Life Insurance Policies Model Regulation* (#830).

Section 7. Gender-Blended Tables

- A. For any ordinary life insurance policy delivered or issued for delivery in this state on and after January 1, 200[] [insert same date as in Section 4A], that utilizes the same premium rates and charges for male and female lives or is issued in circumstances where applicable law does not permit distinctions on the basis of gender, a mortality table that is a blend of the 2001 CSO Mortality Table (M) and the 2001 CSO Mortality Table (F) may, at the option of the company for each plan of insurance, be substituted for the 2001 CSO Mortality Table for use in determining minimum cash surrender values and amounts of paid-up nonforfeiture benefits. No change in minimum valuation standards is implied by this subsection of the regulation.
- B. The company may choose from among the blended tables developed by the American Academy of Actuaries CSO Task Force and adopted by the NAIC in December 2002.
- C. It shall not, in and of itself, be a violation of [insert applicable reference to unfair trade practices statute] for an insurer to issue the same kind of policy of life insurance on both a sex-distinct and sex-neutral basis.

Section 8. Separability

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

Section 9. Effective Date

The effective date of this regulation is [insert date].

Chronological Summary of Actions (all references are to the Proceedings of the NAIC)

2002 Proc. 3rd Quarter 12, 13, 118, 987, 989-992 (adopted).

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This chart is intended to provide readers with additional information to more easily access state statutes, regulations, bulletins or administrative rulings related to the NAIC model. Such guidance provides readers with a starting point from which they may review how each state has addressed the model and the topic being covered. The NAIC Legal Division has reviewed each state’s activity in this area and has determined whether the citation most appropriately fits in the Model Adoption column or Related State Activity column based on the definitions listed below. The NAIC’s interpretation may or may not be shared by the individual states or by interested readers.

This chart does not constitute a formal legal opinion by the NAIC staff on the provisions of state law and should not be relied upon as such. Nor does this state page reflect a determination as to whether a state meets any applicable accreditation standards. Every effort has been made to provide correct and accurate summaries to assist readers in locating useful information. Readers should consult state law for further details and for the most current information.

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KEY:

MODEL ADOPTION: States that have citations identified in this column adopted the most recent version of the NAIC model in a **substantially similar manner**. This requires states to adopt the model in its entirety but does allow for variations in style and format. States that have adopted portions of the current NAIC model will be included in this column with an explanatory note.

RELATED STATE ACTIVITY: Examples of Related State Activity include but are not limited to: older versions of the NAIC model, statutes or regulations addressing the same subject matter, or other administrative guidance such as bulletins and notices. States that have citations identified in this column **only** (and nothing listed in the Model Adoption column) have **not** adopted the most recent version of the NAIC model in a **substantially similar manner**.

NO CURRENT ACTIVITY: No state activity on the topic as of the date of the most recent update. This includes states that have repealed legislation as well as states that have never adopted legislation.

NAIC MEMBER	MODEL ADOPTION	RELATED STATE ACTIVITY
Alabama	ALA. ADMIN. CODE r. 482-1-130 (2004).	
Alaska	ALASKA ADMIN. CODE tit. 3, §§ 28.620 to 28.640 (2005/2011).	
American Samoa	NO CURRENT ACTIVITY	
Arizona		BULLETIN 2003-12 (2003) (Companies may use 2001 CSO Table. Until a regulation is formally promulgated, will use the NAIC model for guidance); BULLETIN 2006-10 (2006); 2008-5 (2008).
Arkansas	053 ARK. CODE REG. § 83 (2005).	
California	BULLETIN 2003-5 (2003).	
Colorado	4 COLO. CODE REGS. § 1-10 (2004/2010).	
Connecticut	CONN. AGENCIES REGS. §§ 38a-439-10 to 38a-439-15 (2005).	BULLETIN FS-22-2009 (2009).
Delaware	18 DEL. CODE REGS. § 1213 (2004).	
District of Columbia	D.C. MUN. REGS. tit. 26, § 3005 (2004/2008).	
Florida	FLA. ADMIN. CODE ANN. r. 69O-162.203 (2005/2008).	
Georgia	GA. COMP. R. & REGS. 120-2-90 (2005/2007).	
Guam	NO CURRENT ACTIVITY	
Hawaii	HAW. CODE R. §§ 16-171-401 to 16-171-405 (2005/2010).	

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NAIC MEMBER	MODEL ADOPTION	RELATED STATE ACTIVITY
Idaho	IDAHO ADMIN. CODE r. 59.18.01.59 (2004).	
Illinois	ILL. ADMIN. CODE. tit. 50, §§ 1412.20 to 1412.60 (2004/2008).	
Indiana	760 IND. ADMIN. CODE 1-69 (2004)	
Iowa	IOWA ADMIN. CODE r. 191-91.1to 191-91.7 (2004/2010).	
Kansas	KAN. ADMIN. REGS. § 40-2-27 (2004) (adopts sections 3-7 of NAIC model by reference).	
Kentucky	806 KY. ADMIN. REGS. 6:110 (2005).	
Louisiana	LA. ADMIN. CODE tit. 37, §§ XIII.10701 to XIII.10717 (2005).	
Maine	340 ME. CODE R. § 02-031 (1984/2008).	
Maryland	MD. CODE REGS. 31.05.03.01 to 31.05.03.06 (2004/2010).	
Massachusetts	211 MASS. CODE REGS. 57:00 to 57:09 (2003).	
Michigan	MICH. COMP. LAWS § 500.838 (2004/2014).	
Minnesota	MINN. R. §§ 2748.0010 to 2748.0050 (2004).	
Mississippi	MISS. CODE R. 2004-1 (2004).	
Missouri	MO. CODE REGS. ANN. tit. 20, § 400-1.170 (2004/2009).	
Montana		MONT. CODE ANN. § 33-2-523 (1959/2005)
Nebraska	210 NEB. ADMIN. CODE § 79 (2004).	
Nevada	NEV. ADMIN. CODE § 113-04 (2005) (adopts model by reference).	
New Hampshire	N.H. CODE ADMIN. R. INS. 3507.01 to 3507.06 (2004).	
New Jersey	N.J. ADMIN. CODE §§ 11:4-27.1 to 11:4-27.7 (2004/2007).	BULLETIN 04-26 (2004); BULLETIN 2008-24 (2008); BULLETIN 2009-27 (2009); BULLETIN 2012-8 (2012).

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NAIC MEMBER	MODEL ADOPTION	RELATED STATE ACTIVITY
New Mexico	N.M. CODE R. §§ 13.9.16.1 to 13.9.16.11 (2004).	
New York	N.Y. COMP. CODES R. & REGS. tit. 11, §§ 100.1 to 100.8 (Regulation 179) (2004/2014).	
North Carolina	11 N.C. ADMIN. CODE 11F.0601 to 11F.0605 (2004/2008).	
North Dakota	N.D. ADMIN. CODE 45-04-07.1 (2004).	
Northern Marianas	NO CURRENT ACTIVITY	
Ohio	OHIO ADMIN. CODE 3901:6-11 (2004/2006).	
Oklahoma	OKLA. ADMIN. CODE §§ 365:10-21-1 to 365:10-21-9 (2003).	
Oregon	OR. ADMIN. R. 836-051-0106 (2004/2011).	
Pennsylvania	31 PA. CODE §§ 84d-1 to 84d-6 (2004/2006).	Notice 12-2-2006 (# 2) (2006).
Puerto Rico	NO CURRENT ACTIVITY	
Rhode Island	27-104 R.I. CODE R. §§ 001 to 109 (2004/2005).	
South Carolina	S.C. CODE ANN. REGS. 69-57.1 (2006).	
South Dakota	S.D. ADMIN. R. 20:06:08:44 to 20:06:08:46 (2004).	
Tennessee	TENN. COMP. R. & REGS. 0780-1-52-.04 (2004).	
Texas	28 TEX. ADMIN. CODE §§ 3.9101 to 3.9106 (2003).	
Utah	UTAH ADMIN. CODE r. 590-223-1 to 590-223-8 (2003/2013).	
Vermont	VT. CODE R. INS. 2005-1 (2005).	
Virgin Islands	NO CURRENT ACTIVITY	

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NAIC MEMBER	MODEL ADOPTION	RELATED STATE ACTIVITY
Virginia	14 VA. ADMIN. CODE §§ 5-321-10 to 5-321-601 (2004/2009); §§ 5-322-10 to 5-322-50 (2007/2015) (portions of model).	
Washington	WASH. ADMIN. CODE §§ 284-74-400 to 284-74-460 (2004).	
West Virginia	W. VA. CODE R. §§ 114-69-1 to 114-69-7 (2004/2005).	
Wisconsin	WIS. ADMIN. CODE INS. § 2.81 (2005/2010).	
Wyoming	5831 WYO. CODE R. § 8 (2006).	