

# WEEKLY SESSION NOTES

SENATE REPUBLICAN POLICY COMMITTEE – JOHN PIPPY, CHAIRMAN

Monday, April 20, 2009

[Senate Bill 237](#) (Corman) would amend the Insurance Company Law of 1921 to make certain information filed by insurance companies, associations and exchanges confidential and to enact a new article regulating the purchase or exchange of an annuity based on the recommendations made to a consumer by an insurer. The bill would make the following information confidential, inadmissible as evidence and exempt from the Right to Know Law, subpoena or discovery: documents, materials, and other information filed with the Insurance Department in support of a statement of actuarial opinion; financial analysis ratios, analyst team reports and other analytical results provided to the Department by the National Association of Insurance Commissioners; and additional work products produced or obtained by the Department in the course of conducting financial analysis of financial statements. The protections would also apply to materials in the possession of an insurance company, association or exchange if they were prepared solely for the purpose of submitting the materials to the Department. Documents that would otherwise be available from original sources could not be construed to be immune from discovery from the original source and use in any private civil action merely because they were provided to the Insurance Department. The Insurance Commissioner could use information obtained or created under the section in furtherance of any regulatory or legal action brought as part of his or her official duties.

Additional changes would add Article IV-B to the law dealing with the suitability of annuity transactions. These provisions would apply to any recommendation to purchase or exchange an annuity made to a consumer by an insurer or insurance producer that results in the purchase or exchange recommended. The insurer or insurance producer would have to have reasonable grounds for believing that the recommended annuity purchase or exchange is suitable for the consumer based on facts disclosed by the consumer. The insurer or insurance producer would be required to make a reasonable effort to obtain information on the consumer's financial and tax status, investment objectives, and other reasonable information. If the consumer fails to provide complete or accurate information or enters into an insurance transaction that is not based on a recommendation of the insurer or insurance producer, the insurer or insurance producer would have no obligation to the consumer if the recommendation was reasonable based on all circumstances known at the time. An insurer would be required to assure that a system to supervise recommendations that is reasonably designed to achieve compliance with the article is established and maintained. Insurers and insurance producers would also be required to maintain records related to the provisions of the act. Compliance with the Financial Industry Regulatory Authority Conduct Rules pertaining to suitability would satisfy the requirements under the section. The Insurance Commissioner could impose various penalties or undertake other actions for violations of these requirements. These enforcement remedies would be in addition to any remedies or penalties that could be imposed under other applicable statutes including the Unfair Insurance Practices Act. Nothing in the article could be construed to create or imply a private cause of action for a violation of its provisions. Certain recommended annuity contracts listed in the bill would be excluded from these provisions. **Passed: 50-0.**

[Senate Resolution 83](#) (Fontana) designates the week of April 19 through 25, 2009 as “National Volunteer Week” in Pennsylvania. [Adopted by Voice Vote.](#)

[Senate Resolution 84](#) (Boscola) designates the month of April 2009 as “Parkinson’s Disease Awareness Month” in Pennsylvania. [Adopted by Voice Vote.](#)

[Senate Resolution 85](#) (Hughes) designates April 2009 as “National Minority Health Awareness Month” in Pennsylvania. [Adopted by Voice Vote.](#)

### **Tuesday, April 21, 2009**

[Senate Bill 304](#) (Corman) would amend the Telemarketer Registration Act to require that a listing on the do-not-call list be maintained until a telephone number is no longer valid or until a subscriber requests to have his or her name removed from the list. Under current law, the Office of Attorney General is required to maintain the listing for a minimum of five years from the date of enrollment. [Passed: 50-0.](#)

[Senate Bill 464](#) (Browne) would create the Volunteer Continuing Medical Education Act to permit health care professionals to apply volunteer time served in a community-based health care clinic toward no more than 20 percent of the mandatory continuing education hours required by the appropriate licensure board. (This provision would not apply to continuing education required under Section 6 of the Volunteer Health Services Act.) Acceptable documentation of volunteer hours would have to be done in accordance with the policy established by each board. The Department of State would be required to report to the chair and minority chair of the Senate Public Health and Welfare Committee and the House Health and Human Services Committee on the number of health care professionals who have indicated they have applied volunteer hours in a community-based health care clinic in their renewal application. [Passed: 50-0.](#)

[Senate Resolution 86](#) (Erickson) notes with sadness the death of the inimitable Philadelphia Phillies announcer Harry Kalas. [Adopted by Voice Vote.](#)

### ***Executive Session***

Nominations to Various Boards and Commissions. [Confirmed: 50-0.](#)

### **Wednesday, April 22, 2009**

[Senate Bill 123](#) (Gordner) would create the Consumer Protection Against Computer Spyware Act. The measure would prohibit a person or entity from causing computer software, commonly referred to as spyware, to be copied onto the computer of an authorized user to: modify the computer’s settings related to internet use; collect personally identifiable information; prevent an authorized user’s efforts to block the installation of, or the disabling of, spyware; remove, disable, or render inoperable anti-virus or anti-spyware software; or, take control of the computer for other unauthorized purposes. Both county district attorneys and the Pennsylvania Attorney General would have the authority to investigate and institute proceedings for any violations of the act. A violation of the act would be a second degree felony punishable by a prison term of

not more than ten years or a fine of not more than \$25,000, or both. The measure would also provide for civil actions against a person who violates the act. For purposes of civil actions, any single action that violates more than one paragraph of the act would be considered multiple violations based on the number of paragraphs violated. The provisions of the act would not limit the jurisdiction or authority of the Attorney General under the Commonwealth Attorneys Act or the Unfair Trade Practices and Consumer Protection Law. **Passed: 50-0.**

**Senate Resolution 87** (Mellow) designates April 28, 2009 as “Boys and Girls Clubs Youth of the Year Day” in Pennsylvania. **Adopted by Voice Vote.**

**Senate Resolution 88** (Fontana) recognizes the week of May 9 through 17, 2009 as “National Tourism Week” and April 22, 2009 as “Tourism Day” in Pennsylvania. **Adopted by Voice Vote.**

### *Executive Session*

John Hanger – Secretary of Environmental Protection. **Confirmed: 45-5.**

Sandi L. Vito – Secretary of Labor and Industry. **Confirmed: 45-5.**

Nominations to Various Boards and Commissions. **Confirmed: 50-0.**

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