



FILING INFORMATION NOTICE 2012-4

DATE: December 20, 2012

FROM: Karen Z. Schutter
IIPRC Executive Director

RE: Product Filings Approved by the Interstate Insurance Product Regulation Commission Subject to Actuarial Guideline XXXVIII (AG38)

Statutory References: Articles IV(3) and (6), and X(2) of the *Interstate Insurance Product Regulation Compact* as adopted by Compacting States.

Operating Procedure References: Sections 103 and 111 of the *Operating Procedure for the Filing and Approval of Product Filings (“Product Filing Rule”)*.

Uniform Standards:

- Individual Flexible Premium Variable Adjustable Life Insurance Policy Standards (IIPRC-L-06-I);
- Individual Modified Single Premium Variable Life Insurance Policy Standards (IIPRC-L-06-I-1);
- Individual Joint Last to Die Survivorship Flexible Premium Variable Adjustable Life Insurance Policy Standards (IIPRC-L-06-I-2)
- Individual Modified Single Premium Joint First to Die Variable Life Insurance Policy Standards (IIPRC-L-06-I-3);
- Individual Flexible Premium Adjustable Life Insurance Policy Standards (IIPRC-L-09-I);
- Individual Modified Single Premium Adjustable Life Insurance Policy Standards (IIPRC-L-09-I-1); and
- Individual Joint Last to Die Survivorship Flexible Premium Adjustable Life Insurance Policy Standards (IIPRC-L-09-I-2).

Purpose: *Filing Information Notices explain steps or clarifications in the IIPRC’s process for filing and review of product filings under the applicable Uniform Standards. This Filing Information Notice only applies to the Uniform Standards referenced above.*

BACKGROUND:

The Interstate Insurance Product Regulation Commission (IIPRC) has adopted Uniform Standards covering individual variable and non-variable universal life insurance contracts including features for secondary guarantees. Starting in 2013, a company will be required to file with its state of domicile information and certifications required under Actuarial Guideline XXXVIII (AG38), as adopted by the National Association of Insurance Commissioners on September 12, 2012. Reserving methodology, accounting methods, financial solvency requirements, and asset transfers are beyond specific product content requirements and the statutory authority of the IIPRC. For those products filed for approval and approved through the IIPRC that may be subject to AG38 compliance, this Filing Information Notice outlines procedures for companies that want to include references to AG38 materials in the IIPRC product filing. Please be aware that approval of products by the IIPRC does not constitute approval of the reserving methodology or compliance with AG38 or other solvency requirements of a company's domiciliary state.

FILING PROCEDURES:

1. The implementation of Actuarial Guideline XXXVIII (AG38) does not impact the ability of companies to submit product filings to the Interstate Insurance Product Regulation Commission (IIPRC) pursuant to the applicable Uniform Standards.
2. Please note approval by the IIPRC of a product filing does not constitute approval of a company's compliance with AG38 as the reserving methodology, accounting methods, financial solvency requirements and asset transfers are beyond specific product content requirements.
3. Compacting States can access, view and retrieve product filings submitted to the IIPRC for approval in their respective jurisdiction through the System for Electronic Rate and Form Filing (SERFF).
4. For product filings submitted and approved through the IIPRC that include forms for universal life insurance products and benefit features that are or could be subject to AG38, the IIPRC Office provides specific tracking information to each Compacting State to help identify products and companies that may be required to provide information for AG38 compliance.
5. Companies with product filings approved by the IIPRC, especially ones filed prior to December 31, 2012, that may have universal life insurance products and benefit features and are **no longer being issued or marketed** are encouraged to reopen the product filing to add a Note to Reviewer indicating the effective date after which the forms are no longer being used or marketed. Companies are not required to but are encouraged to follow this step in order to assist Compacting States in monitoring compliance of AG38 with respect to IIPRC-approved products.

6. Companies can add AG38 information including required certifications under the Supporting Documentation tab within SERFF in a new or previously approved IIPRC filing. Information regarding AG38 is considered informational only and is not reviewed or approved by the IIPRC. Compacting States where this product filing is approved may view and access the AG38 information within the filing through the SERFF.
7. Companies are responsible for complying with the filing and reporting requirements of their state of domicile for compliance with AG38.
8. IIPRC-approved product filings are considered public records in accordance with the Establishment of Conditions and Procedures for Public Inspection of Information and Official Records of the Interstate Insurance Product Regulation Commission (Public Access Rule) with the exception of information provided by a company, including but not limited to information contained in a product filing, that qualifies as a trade secret as defined by the Public Access Rule.
9. If a company attaches AG38 information in an IIPRC-approved product filing that it considers a trade secret under the Public Access Rule, the company must follow the procedures in the Public Access Rule for requesting the information be identified as trade secret.

APPLICABLE IIPRC FORMS:

None

EFFECTIVE DATE:

IMMEDIATELY

CONTACT INFORMATION:

Questions regarding this Notice should be directed to:

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