



Kansas Insurance Department

Sandy Praeger, Commissioner of Insurance

BULLETIN 2012-1

To: Life Insurers and Accident and Health Insurers

From: Sandy Praeger, Commissioner of Insurance

Subject: Reissuance of Bulletin 1991-4; Life and Accident and Health Insurance Advertising by Third-Party Marketing Entities

Date: February 24, 2012

Due to a growing problem with advertising practices by third-party marketing entities, the Department issued in January 1991 Bulletin 1991-4 in order to remind insurers authorized to transact life and/or accident and health insurance in Kansas of the applicability of K.A.R. 40-9-100 and K.A.R. 40-9-118 to the marketing activities conducted by third-party entities. Over the last couple of years the Department has experienced a similar increasing trend in the number of complaints regarding life and health insurance advertisements produced and distributed by third-party marketing firms. As a result, the Department has determined that reissuance of Bulletin 1991-4 is warranted at this time.

Despite what appears to be an assumption held by a number of advertising firms and the insurance producers subscribing to their services, the fact that these advertisements originate with third party, non-insurance entities does not create a “regulatory buffer” between the Department and insurance companies and/or their agents. Insurance companies and/or their agents are responsible for the content of advertisements distributed directly and on their behalf and are subject to potential regulatory action for the failure of any advertisements to comply with Kansas law.

Please acknowledge in writing both the receipt and understanding of this Bulletin and attached copy of Bulletin 1991-4. Also, please confirm that all appropriate company personnel and appointed agents licensed to sell your products in Kansas have been notified. Please direct your response to LeAnn Crow, Market Conduct Examiner, at the address indicated below.

Thank you in advance for your cooperation in this matter. If, however, you have any questions regarding this Bulletin, please contact Jennifer Sourk at the address indicated below, via telephone at 785-296-7809, or via email at jsourk@ksinsurance.org.