

By: Representative Hood

To: Public Utilities

HOUSE BILL NO. 1352

1 AN ACT TO AMEND SECTION 83-9-110, MISSISSIPPI CODE OF 1972,  
 2 TO PROHIBIT ISSUERS OF MEDICARE SUPPLEMENTS FROM MAKING TELEPHONE  
 3 SOLICITATIONS; TO AMEND SECTION 77-3-715, MISSISSIPPI CODE OF  
 4 1972, TO AUTHORIZE THE ATTORNEY GENERAL TO ESTABLISH A PROCESS BY  
 5 WHICH CONSUMERS WHO HAVE REGISTERED WITH THE DO NOT CALL REGISTRY  
 6 CAN OBJECT TO ALL TELEPHONE SOLICITATIONS, INCLUDING THOSE THAT  
 7 ARE EXEMPT; TO AMEND SECTION 77-3-711, MISSISSIPPI CODE OF 1972,  
 8 TO EXCLUDE ISSUERS OF MEDICARE SUPPLEMENTS FROM THE EXEMPTION FOR  
 9 CALLS RELATING TO INSURANCE FROM THE REQUIREMENTS OF THE TELEPHONE  
 10 SOLICITATION ACT; TO AMEND SECTION 77-3-709, MISSISSIPPI CODE OF  
 11 1972, TO EXCLUDE CALLS TO CONSUMERS WHO HAVE OBJECTED TO ALL  
 12 TELEPHONE SOLICITATIONS FROM CERTAIN EXEMPTIONS TO THE NO-CALLS  
 13 DATABASE REQUIREMENTS WHICH THE ATTORNEY GENERAL IS AUTHORIZED TO  
 14 MAKE; AND FOR RELATED PURPOSES.

15 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

16 **SECTION 1.** Section 83-9-110, Mississippi Code of 1972, is  
 17 amended as follows:

18 83-9-110. (1) Every issuer of Medicare supplement insurance  
 19 policies or certificates in this state shall provide a copy of any  
 20 Medicare supplement advertisement intended for use in this state,  
 21 whether through written, radio or television medium, to the  
 22 commissioner for review and approval.

23 (2) An issuer may not make or cause to be made a telephone  
 24 solicitation, as that term is defined in Section 77-3-705, for the



25 purpose of advertising the sale or soliciting the purchase of a  
26 Medicare supplement policy or certificate.

27 **SECTION 2.** Section 77-3-715, Mississippi Code of 1972, is  
28 amended as follows:

29 77-3-715. The Attorney General may promulgate rules and  
30 regulations necessary to effectuate this article, including, but  
31 not limited to, the following:

32 (a) The methods by which a notice of objection becomes  
33 effective and the effect of a change of telephone number on the  
34 notice;

35 (b) The establishment of a process by which a consumer  
36 who has registered with the Do Not Call Registry can register with  
37 the Attorney General an objection to all telephone solicitations,  
38 including those that are exempt under Section 77-3-709 or 77-3-711  
39 or federal rule or law;

40 (c) The process by which telephone solicitors must  
41 register with the Attorney General for the purpose of conducting  
42 telephonic solicitations in the state;

43 ( \* \* \* d) The establishment of a written policy which  
44 clearly articulates the circumstances under which the Attorney  
45 General, in his or her discretion, may allow exceptions to the  
46 provisions of this article pursuant to Section \* \* \* 77-3-709; and

47 ( \* \* \* e) All other matters relating to the database  
48 that the Attorney General deems necessary.



49           **SECTION 3.** Section 77-3-711, Mississippi Code of 1972, is  
50 amended as follows:

51           77-3-711. Except in the case of a telephone solicitation to  
52 a consumer who, in addition to having registered with the Do Not  
53 Call Registry, has registered with the Attorney General an  
54 objection to all telephone solicitations under Section 77-3-715,  
55 the provisions of this article shall not apply to:

56                   (a) A person soliciting:

57                           (i) Who does not make the major sales presentation  
58 during the telephone solicitation;

59                           (ii) Without the intent to complete or obtain  
60 provisional acceptance of a sale, a charitable contribution, or  
61 the payment of some other item of value, pecuniary or otherwise,  
62 during the telephone solicitation; or

63                           (iii) Without the intent to complete, and who does  
64 not complete, the sales presentation during the telephone  
65 solicitation, but who completes the sales presentation at a later  
66 face-to-face meeting between the person soliciting and the  
67 prospective purchaser or consumer.

68                   (b) A person who is a licensee under Chapter 35, Title  
69 73, Mississippi Code of 1972, who is a resident of the State of  
70 Mississippi, and whose telephone solicitation is for the sole  
71 purpose of selling, exchanging, purchasing, renting, listing for  
72 sale or rent or leasing real estate in connection with his real  
73 estate license and not in conjunction with any other offer.



74           (c) A motor vehicle dealer as that term is defined in  
75 Section 63-17-55, who is a resident of the State of Mississippi  
76 and who maintains a current motor vehicle dealer's license issued  
77 by the Mississippi Motor Vehicle Commission, whose telephone  
78 solicitation is for the sole purpose of selling, offering to sell,  
79 soliciting or advertising the sale of motor vehicles in connection  
80 with his motor vehicle dealer's license and not in conjunction  
81 with any other offer.

82           (d) An agent, as that term is defined in Section  
83 83-17-1, whose telephone solicitation is for the sole purpose of  
84 soliciting, consulting, advising, or adjusting in the business of  
85 insurance; however, this exemption is not applicable to a person  
86 calling on behalf of any issuer, as that term is defined in  
87 Section 83-9-101, whose telephone solicitation is for the sole  
88 purpose of making a sales presentation or otherwise soliciting the  
89 purchase of a Medicare supplement policy or certificate.

90           (e) A broker-dealer, agent, or investment advisor  
91 registered under Chapter 71, Title 75, Mississippi Code of 1972,  
92 whose telephone solicitation is for the sole purpose of effecting  
93 or attempting to effect the purchase or sale of securities or has  
94 the purpose of providing or seeking to provide investment or  
95 financial advice.

96           (f) A person calling on behalf of a charitable  
97 organization which is registered under Chapter 11, Title 79,  
98 Mississippi Code of 1972, whose telephone solicitation is for the



99 sole purpose of soliciting for the charitable organization and who  
100 receives no compensation for his activities on behalf of the  
101 organization.

102 (g) A person calling on behalf of a newspaper of  
103 general circulation, whose telephone solicitation is for the sole  
104 purpose of soliciting a subscription to the newspaper from, or  
105 soliciting the purchase of advertising by, the consumer.

106 (h) A person calling on behalf of any supervised  
107 financial institution or parent, subsidiary or affiliate thereof.  
108 As used in this section, "supervised financial institution" means  
109 any commercial bank, trust company, savings and loan association,  
110 mutual savings bank, credit union, industrial loan company, small  
111 loan company, consumer finance lender, commercial finance lender  
112 or insurer, provided that the institution has a physical office  
113 located in the State of Mississippi and is subject to supervision  
114 by an official or agency of the State of Mississippi or of the  
115 United States.

116 (i) A person calling on behalf of a funeral  
117 establishment licensed under Section 73-11-41, cemetery or  
118 monument dealer, if the sole purpose of the telephone solicitation  
119 relates to services provided by the funeral or death related  
120 establishments in the course of its ordinary business.

121 (j) Any telephone solicitor who solicits a consumer  
122 with whom he has an established business relationship.



123           **SECTION 4.** Section 77-3-709, Mississippi Code of 1972, is  
124 amended as follows:

125           77-3-709. The Attorney General, in his or her discretion,  
126 may allow telephone solicitors to make telephone solicitations to  
127 consumers other than those who have registered with the Attorney  
128 General an objection to all telephone solicitations under Section  
129 77-3-715 without requiring them to purchase the "no-calls"  
130 database, \* \* \* provided that \* \* \* the Attorney General adopts a  
131 written policy incorporating the following criteria:

132           (a) The telephone solicitor must demonstrate to the  
133 Attorney General that its proposed telephone solicitation is  
134 reasonably related to an established business relationship as  
135 defined in Section 77-3-705(h), or is being made in response to an  
136 invitation or notice from a consumer which clearly signifies that  
137 he is open to a contact being initiated;

138           (b) The telephone solicitation is to be made by a  
139 person or entity for the purpose of soliciting a contribution or  
140 donation to a bona fide nonprofit corporation, regardless of  
141 whether consumer goods or services will be provided to the  
142 consumer in return for the contribution or donation; or

143           (c) The consumer will not be telephoned for a telephone  
144 solicitation as defined in Section 77-3-705(d), but he will be  
145 telephoned for a bona fide religious or charitable purpose,  
146 including an invitation to attend an event or a request for a  
147 contribution or donation.



148           In all cases, the telephone solicitor must demonstrate that  
149 it will not use an automated dialing system or a method that will  
150 block or otherwise circumvent the consumer's use of a caller  
151 identification service.

152           In making its determination of whether to allow a telephone  
153 solicitation to be made under the policy which will include the  
154 limitations set forth in this section, the Attorney General shall  
155 exercise due care in investigating previous conduct of the  
156 telephone solicitor seeking such authority. The Attorney General  
157 may deny any telephone solicitor the privilege of making telephone  
158 solicitations under this section, notwithstanding that any of the  
159 criteria set forth in this section have been met.

160           **SECTION 5.** This act shall take effect and be in force from  
161 and after July 1, 2024.

