**20:06:21:32.  Standards for marketing -- Prohibited practices.** In addition to the practices prohibited in SDCL chapter 58-33, the following practices are prohibited:

 (1)  Twisting. Knowingly making any misleading representation or incomplete or fraudulent comparison of any insurance policies or insurers for the purpose of inducing or tending to induce a person to lapse, forfeit, surrender, terminate, retain, pledge, assign, borrow on, or convert an insurance policy or to take out a policy of insurance with another insurer;

 (2)  High pressure tactics. Employing any method of marketing inducing, having the effect of inducing, or tending to induce the purchase of insurance through force, fright, explicit or implied threat, or undue pressure to purchase or recommend the purchase of insurance;

 (3)  Cold lead advertising. Making use directly or indirectly of a method of marketing which fails to disclose in a conspicuous manner that a purpose of the method of marketing is solicitation of insurance and that contact will be made by an insurance agent or insurance company; and

 (4)  Misrepresentation. Misrepresenting a material fact in selling or offering to sell a long-term care insurance policy.

 **Source:** 22 SDR 97, effective December 18, 1995; 44 SDR 184, effective June 25, 2018.

 **General Authority:** SDCL 58-17B-4.

 **Law Implemented:** SDCL 58-17B-1, 58-17B-12.