

# HOUSE BILL No. 4118

January 28, 1997, Introduced by Rep. Profit and referred to the Committee on Insurance.

A bill to amend 1956 PA 218, entitled  
"The insurance code of 1956,"  
(MCL 500.100 to 500.8302) by adding sections 2027a and 3406j.

**THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**

1           SEC. 2027A. (1) AN UNFAIR METHOD OF COMPETITION AND AN  
2 UNFAIR OR DECEPTIVE ACT OR PRACTICE IN THE BUSINESS OF INSURANCE  
3 INCLUDE ALL OF THE FOLLOWING:

4           (A) EXCEPT AS OTHERWISE PROVIDED IN SUBDIVISION (D) AND SUB-  
5 SECTION (2), REQUESTING OR REQUIRING AN INDIVIDUAL TO DISCLOSE  
6 GENETIC INFORMATION OR TO UNDERGO A GENETIC TEST IN THE ISSUANCE,  
7 WITHHOLDING, EXTENSION, OR RENEWAL OF A HOSPITAL CONFINEMENT OR  
8 OTHER SUPPLEMENTAL LIMITED BENEFIT HEALTH OR CREDIT LIFE OR  
9 CREDIT ACCIDENT INSURANCE COVERAGE.

1 (B) RELEASING GENETIC INFORMATION WITHOUT THE PRIOR, WRITTEN  
2 INFORMED CONSENT OF THE INDIVIDUAL WHO IS THE SUBJECT OF THE  
3 GENETIC INFORMATION.

4 (C) DISCRIMINATING AGAINST AN INDIVIDUAL ON THE BASIS OF  
5 GENETIC INFORMATION OR THE REFUSAL TO SUBMIT TO A GENETIC TEST OR  
6 MAKE AVAILABLE THE RESULTS OF A GENETIC TEST TO THE PERSON IN THE  
7 ISSUANCE, WITHHOLDING, EXTENSION, OR RENEWAL OF A HOSPITAL CON-  
8 FINEMENT OR OTHER SUPPLEMENTAL LIMITED BENEFIT HEALTH OR CREDIT  
9 LIFE OR CREDIT ACCIDENT INSURANCE COVERAGE, OR IN THE FIXING OF  
10 THE RATES, TERMS, OR CONDITIONS THEREFOR, OR IN THE ISSUANCE OR  
11 ACCEPTANCE OF AN APPLICATION THEREFOR.

12 (D) DISCRIMINATING AGAINST AN INDIVIDUAL IN THE APPLICATION  
13 OF THE RESULTS OF A GENETIC TEST OR GENETIC INFORMATION IN THE  
14 UNDERWRITING OF OR DETERMINING INSURABILITY FOR A POLICY OF LIFE  
15 INSURANCE OR AN ANNUITY OR DISABILITY INCOME INSURANCE CONTRACT.

16 (2) IF, IN THE ISSUANCE, WITHHOLDING, EXTENSION, OR RENEWAL  
17 OF A POLICY OF LIFE INSURANCE OR AN ANNUITY OR DISABILITY INCOME  
18 INSURANCE CONTRACT, AN INSURER WILL USE THE RESULTS OF A GENETIC  
19 TEST IN COMPLIANCE WITH SUBSECTION (1)(D), THE INSURER SHALL  
20 NOTIFY THE INDIVIDUAL WHO IS THE SUBJECT OF THE GENETIC TEST THAT  
21 SUCH A TEST IS REQUIRED AND SHALL OBTAIN THE INDIVIDUAL'S WRITTEN  
22 INFORMED CONSENT FOR THE TEST BEFORE THE ADMINISTRATION OF THE  
23 TEST. THE INSURER SHALL ALSO PROVIDE THAT THE PHYSICIAN OR OTHER  
24 HEALTH CARE PROFESSIONAL DESIGNATED BY THE INDIVIDUAL PROMPTLY  
25 RECEIVES A COPY OF THE RESULTS OF THE TEST AND, IF REQUIRED, AN  
26 INTERPRETATION OF THE TEST RESULTS BY A QUALIFIED PROFESSIONAL,

1 AND THAT THE INDIVIDUAL STATES IN WRITING WHETHER THE INDIVIDUAL  
2 ELECTS TO BE INFORMED OF THE RESULTS OF THE TEST.

3 (3) AN INDIVIDUAL WHO IS INJURED BY A VIOLATION OF SUBSEC-  
4 TION (1) OR (2) MAY BRING A CIVIL ACTION FOR DAMAGES IN A COURT  
5 OF COMPETENT JURISDICTION AGAINST THE INSURER WHO COMMITTED THE  
6 VIOLATION.

7 (4) AS USED IN THIS SECTION:

8 (A) "GENETIC CHARACTERISTIC" MEANS AN INHERITED GENE OR  
9 CHROMOSOME, OR ALTERATION OF A GENE OR CHROMOSOME, THAT IS SCIEN-  
10 TIFICALLY OR MEDICALLY BELIEVED TO PREDISPOSE AN INDIVIDUAL TO A  
11 DISEASE, DISORDER, OR SYNDROME, OR TO BE ASSOCIATED WITH A STA-  
12 TISTICALLY SIGNIFICANT INCREASED RISK OF DEVELOPMENT OF A DIS-  
13 EASE, DISORDER, OR SYNDROME.

14 (B) "GENETIC INFORMATION" MEANS THE INFORMATION ABOUT GENES,  
15 GENE PRODUCTS, OR INHERITED CHARACTERISTICS THAT MAY DERIVE FROM  
16 AN INDIVIDUAL OR FAMILY MEMBER.

17 (C) "GENETIC TEST" MEANS A TEST FOR DETERMINING THE PRESENCE  
18 OR ABSENCE OF AN INHERITED GENETIC CHARACTERISTIC IN AN INDIVIDU-  
19 AL, INCLUDING TESTS OF NUCLEIC ACIDS SUCH AS DNA, RNA, AND MITO-  
20 CHONDRIAL DNA, CHROMOSOMES, OR PROTEINS IN ORDER TO IDENTIFY A  
21 PREDISPOSING GENETIC CHARACTERISTIC.

22 SEC. 3406J. (1) AN INSURER THAT DELIVERS, ISSUES FOR DELIV-  
23 ERY, OR RENEWS IN THIS STATE AN EXPENSE-INCURRED HOSPITAL, MEDI-  
24 CAL, OR SURGICAL POLICY OR CERTIFICATE SHALL NOT DO EITHER OF THE  
25 FOLLOWING:

00813'97

1 (A) EXCLUDE AN INDIVIDUAL OR ESTABLISH RATES OR TERMS ON THE  
2 POLICY OR CERTIFICATE ON THE BASIS OF AN ACTUAL OR EXPECTED  
3 HEALTH CONDITION OR ON THE BASIS OF ANY GENETIC CHARACTERISTIC.

4 (B) REQUEST OR REQUIRE AN INDIVIDUAL TO DISCLOSE GENETIC  
5 INFORMATION OR TO UNDERGO A GENETIC TEST OR RELEASE GENETIC  
6 INFORMATION WITHOUT THE PRIOR, WRITTEN INFORMED CONSENT OF THE  
7 INDIVIDUAL WHO IS THE SUBJECT OF THE GENETIC INFORMATION.

8 (2) AN INDIVIDUAL WHO IS INJURED BY A VIOLATION OF SUBSEC-  
9 TION (1) MAY BRING A CIVIL ACTION FOR DAMAGES IN A COURT OF COM-  
10 PETENT JURISDICTION AGAINST THE INSURER WHO COMMITTED THE  
11 VIOLATION.

12 (3) AS USED IN THIS SECTION, "GENETIC CHARACTERISTIC" MEANS  
13 AN INHERITED GENE OR CHROMOSOME, OR ALTERATION OF A GENE OR CHRO-  
14 MOSOME, THAT IS SCIENTIFICALLY OR MEDICALLY BELIEVED TO PREDIS-  
15 POSE AN INDIVIDUAL TO A DISEASE, DISORDER, OR SYNDROME, OR TO BE  
16 ASSOCIATED WITH A STATISTICALLY INCREASED RISK OF DEVELOPMENT OF  
17 A DISEASE, DISORDER, OR SYNDROME.