

REPRINT

**SUBSTITUTE FOR  
SENATE BILL NO. 591**

(As Passed the Senate October 27, 1999)

A bill to amend 1978 PA 368, entitled  
"Public health code,"  
(MCL 333.1101 to 333.25211) by adding section 21072a.

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

1        SEC. 21072A. (1) A HEALTH MAINTENANCE ORGANIZATION SHALL  
2 NOT REQUIRE AN ENROLLEE OR HIS OR HER DEPENDENT OR AN ASYMPTOM-  
3 ATIC APPLICANT FOR COVERAGE OR HIS OR HER ASYMPTOMATIC DEPENDENT  
4 TO DO EITHER OF THE FOLLOWING:

5        (A) UNDERGO GENETIC TESTING BEFORE ISSUING, RENEWING, OR  
6 CONTINUING A HEALTH MAINTENANCE ORGANIZATION CONTRACT.

7        (B) DISCLOSE WHETHER GENETIC TESTING HAS BEEN CONDUCTED OR  
8 THE RESULTS OF GENETIC TESTING OR GENETIC INFORMATION.

9        (2) THIS SECTION DOES NOT PROHIBIT A HEALTH MAINTENANCE  
10 ORGANIZATION FROM REQUIRING AN APPLICANT FOR COVERAGE TO ANSWER  
11 QUESTIONS CONCERNING FAMILY HISTORY.

1 (3) AS USED IN THIS SECTION:

2 (A) "CLINICAL PURPOSES" INCLUDES ALL OF THE FOLLOWING:

3 (i) PREDICTED RISK OF DISEASES.

4 (ii) IDENTIFYING CARRIERS FOR SINGLE-GENE DISORDERS.

5 (iii) ESTABLISHING PRENATAL AND CLINICAL DIAGNOSIS OR  
6 PROGNOSIS.

7 (iv) PRENATAL, NEWBORN, AND OTHER CARRIER SCREENING, AS WELL  
8 AS TESTING IN HIGH-RISK FAMILIES.

9 (v) TESTS FOR METABOLITES IF UNDERTAKEN WITH HIGH PROBABIL-  
10 ITY THAT AN EXCESS OR DEFICIENCY OF THE METABOLITE INDICATES OR  
11 SUGGESTS THE PRESENCE OF HERITABLE MUTATIONS IN SINGLE GENES.

12 (vi) OTHER TESTS IF THEIR INTENDED PURPOSE IS DIAGNOSIS OF A  
13 PRESYMPTOMATIC GENETIC CONDITION.

14 (B) "GENETIC INFORMATION" MEANS INFORMATION ABOUT A GENE,  
15 GENE PRODUCT, OR INHERITED CHARACTERISTIC DERIVED FROM A GENETIC  
16 TEST.

17 (C) "GENETIC TEST" MEANS THE ANALYSIS OF HUMAN DNA, RNA,  
18 CHROMOSOMES, AND THOSE PROTEINS AND METABOLITES USED TO DETECT  
19 HERITABLE OR SOMATIC DISEASE-RELATED GENOTYPES OR KARYOTYPES FOR  
20 CLINICAL PURPOSES. A GENETIC TEST MUST BE GENERALLY ACCEPTED IN  
21 THE SCIENTIFIC AND MEDICAL COMMUNITIES AS BEING SPECIFICALLY  
22 DETERMINATIVE FOR THE PRESENCE, ABSENCE, OR MUTATION OF A GENE OR  
23 CHROMOSOME IN ORDER TO QUALIFY UNDER THIS DEFINITION. GENETIC  
24 TEST DOES NOT INCLUDE A ROUTINE PHYSICAL EXAMINATION OR A ROUTINE  
25 ANALYSIS, INCLUDING, BUT NOT LIMITED TO, A CHEMICAL ANALYSIS, OF  
26 BODY FLUIDS, UNLESS CONDUCTED SPECIFICALLY TO DETERMINE THE  
27 PRESENCE, ABSENCE, OR MUTATION OF A GENE OR CHROMOSOME.