

SENATE BILL NO. 99

January 26, 1999, Introduced by Senator A. SMITH and referred to the Committee on Health Policy.

A bill to amend 1956 PA 218, entitled
"The insurance code of 1956,"
(MCL 500.100 to 500.8302) by adding sections 2027a and 34061.

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 INCLUDES ALL OF THE FOLLOWING:
4 (A) DISCRIMINATING AGAINST ANY 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 ANY
8 EXPENSE-INCURRED HOSPITAL, MEDICAL, OR SURGICAL POLICY OR CERTIF-
9 ICATE OR CREDIT LIFE OR CREDIT ACCIDENT INSURANCE COVERAGE, OR IN
10 THE FIXING OF THE RATES, TERMS, OR CONDITIONS THEREFOR, OR IN THE
11 ISSUANCE OR ACCEPTANCE OF ANY APPLICATION THEREFOR.

1 (B) DISCRIMINATING AGAINST AN INDIVIDUAL IN THE APPLICATION
2 OF THE RESULTS OF A GENETIC TEST OR GENETIC INFORMATION IN THE
3 UNDERWRITING OF OR DETERMINING INSURABILITY FOR A POLICY OF LIFE
4 INSURANCE OR AN ANNUITY OR DISABILITY INCOME INSURANCE CONTRACT.
5 IF AN INSURER WILL USE THE RESULTS OF A GENETIC TEST IN COMPLI-
6 ANCE WITH THIS SUBDIVISION IN THE ISSUANCE, WITHHOLDING, EXTEN-
7 SION, OR RENEWAL OF ANY POLICY OF LIFE INSURANCE OR AN ANNUITY OR
8 DISABILITY INCOME INSURANCE CONTRACT, THE INSURER SHALL NOTIFY
9 THE INDIVIDUAL WHO IS THE SUBJECT OF THE GENETIC TEST THAT THE
10 TEST IS REQUIRED AND SHALL OBTAIN THE INDIVIDUAL'S WRITTEN
11 INFORMED CONSENT FOR THE TEST PRIOR TO THE ADMINISTRATION OF THE
12 TEST. THE INSURER SHALL ALSO PROVIDE THAT THE PHYSICIAN OR OTHER
13 HEALTH CARE PROFESSIONAL DESIGNATED BY THE INDIVIDUAL SHALL
14 PROMPTLY RECEIVE A COPY OF THE RESULTS OF THE TEST AND, IF
15 REQUIRED, AN INTERPRETATION OF THE TEST RESULTS BY A QUALIFIED
16 PROFESSIONAL, AND THAT THE INDIVIDUAL SHALL STATE IN WRITING
17 WHETHER THE INDIVIDUAL ELECTS TO BE INFORMED OF THE RESULTS OF
18 THE TEST.

19 (2) AS USED IN THIS SECTION:

20 (A) "GENETIC CHARACTERISTIC" MEANS AN INHERITED GENE OR
21 CHROMOSOME, OR ALTERATION OF A GENE OR CHROMOSOME, THAT IS SCIEN-
22 TIFICALLY OR MEDICALLY BELIEVED TO PREDISPOSE AN INDIVIDUAL TO A
23 DISEASE, DISORDER, OR SYNDROME, OR TO BE ASSOCIATED WITH A STA-
24 TISTICALLY SIGNIFICANT INCREASED RISK OF DEVELOPMENT OF A DIS-
25 EASE, DISORDER, OR SYNDROME.

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

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

9 SEC. 34061. AN INSURER THAT DELIVERS, ISSUES FOR DELIVERY,
10 OR RENEWS IN THIS STATE AN EXPENSE-INCURRED HOSPITAL, MEDICAL, OR
11 SURGICAL POLICY OR CERTIFICATE SHALL NOT EXCLUDE ANY INDIVIDUAL
12 AND SHALL NOT ESTABLISH ANY RATES OR TERMS ON THE POLICY OR CER-
13 TIFICATE ON THE BASIS OF AN ACTUAL OR EXPECTED HEALTH CONDITION
14 OR ON THE BASIS OF ANY GENETIC CHARACTERISTIC. AS USED IN THIS
15 SECTION, "GENETIC CHARACTERISTIC" MEANS AN INHERITED GENE OR
16 CHROMOSOME, OR ALTERATION OF A GENE OR CHROMOSOME, THAT IS SCIEN-
17 TIFICALLY OR MEDICALLY BELIEVED TO PREDISPOSE AN INDIVIDUAL TO A
18 DISEASE, DISORDER, OR SYNDROME, OR TO BE ASSOCIATED WITH A STA-
19 TISTICALLY INCREASED RISK OF DEVELOPMENT OF A DISEASE, DISORDER,
20 OR SYNDROME.