

SENATE BILL NO. 590

May 11, 1999, Introduced by Senators SHUGARS, SCHWARZ, GOSCHKA, HAMMERSTROM, JOHNSON, GOUGEON, SIKKEMA and MC COTTER and referred to the Committee on Health Policy.

A bill to amend 1956 PA 218,
"The insurance code of 1956,"
(MCL 500.100 to 500.8302) by adding section 3407b.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

- 1 SEC. 3407B. (1) AN EXPENSE-INCURRED HOSPITAL, MEDICAL, OR
2 SURGICAL POLICY OR CERTIFICATE DELIVERED, ISSUED FOR DELIVERY, OR
3 RENEWED IN THIS STATE SHALL NOT REQUIRE AN INSURED OR HIS OR HER
4 DEPENDENT OR AN ASYMPTOMATIC APPLICANT FOR INSURANCE OR HIS OR
5 HER ASYMPTOMATIC DEPENDENT TO DO EITHER OF THE FOLLOWING:
6 (A) UNDERGO GENETIC TESTING BEFORE ISSUING, RENEWING, OR
7 CONTINUING THE POLICY OR CERTIFICATE IN THIS STATE.
8 (B) DISCLOSE WHETHER GENETIC TESTING HAS BEEN CONDUCTED OR
9 THE RESULTS OF GENETIC TESTING OR GENETIC INFORMATION.
10 (2) THIS SECTION DOES NOT PROHIBIT AN INSURER FROM REQUIRING
11 AN APPLICANT FOR AN EXPENSE-INCURRED HOSPITAL, MEDICAL, OR

1 SURGICAL POLICY OR CERTIFICATE TO ANSWER QUESTIONS CONCERNING
2 FAMILY HISTORY.

3 (3) AS USED IN THIS SECTION:

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

5 (i) PREDICTED RISK OF DISEASES.

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

7 (iii) ESTABLISHING PRENATAL AND CLINICAL DIAGNOSIS OR
8 PROGNOSIS.

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

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

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

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

19 (C) "GENETIC TEST" MEANS THE ANALYSIS OF HUMAN DNA, RNA,
20 CHROMOSOMES, PROTEINS, AND CERTAIN METABOLITES IN ORDER TO DETECT
21 HERITABLE OR SOMATIC DISEASE-RELATED GENOTYPES OR KARYOTYPES FOR
22 CLINICAL PURPOSES. A GENETIC TEST MUST BE GENERALLY ACCEPTED IN
23 THE SCIENTIFIC AND MEDICAL COMMUNITIES AS BEING SPECIFICALLY
24 DETERMINATIVE FOR THE PRESENCE OR ABSENCE OF A MUTATION OF A GENE
25 OR CHROMOSOME IN ORDER TO QUALIFY UNDER THIS DEFINITION.