SENATE BILL NO. 591

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

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:

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

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

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

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

(3) AS USED IN THIS SECTION:

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

(*i*) PREDICTED RISK OF DISEASES.

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

(*iii*) ESTABLISHING PRENATAL AND CLINICAL DIAGNOSIS OR PROGNOSIS.

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

(*v*) TESTS FOR METABOLITES IF UNDERTAKEN WITH HIGH PROBABILITY THAT AN EXCESS OR DEFICIENCY OF THE METABOLITE INDICATES OR SUGGESTS THE PRESENCE OF HERITABLE MUTATIONS IN SINGLE GENES.

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

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

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