

Act No. 28
Public Acts of 2000
Approved by the Governor
March 14, 2000
Filed with the Secretary of State
March 15, 2000
EFFECTIVE DATE: March 15, 2000

**STATE OF MICHIGAN
90TH LEGISLATURE
REGULAR SESSION OF 2000**

Introduced by Senators Hammerstrom, Shugars, Schwarz, Goschka, Johnson, Gougeon, Sikkema and McCotter

ENROLLED SENATE BILL No. 591

AN ACT to amend 1978 PA 368, entitled "An act to protect and promote the public health; to codify, revise, consolidate, classify, and add to the laws relating to public health; to provide for the prevention and control of diseases and disabilities; to provide for the classification, administration, regulation, financing, and maintenance of personal, environmental, and other health services and activities; to create or continue, and prescribe the powers and duties of, departments, boards, commissions, councils, committees, task forces, and other agencies; to prescribe the powers and duties of governmental entities and officials; to regulate occupations, facilities, and agencies affecting the public health; to regulate health maintenance organizations and certain third party administrators and insurers; to provide for the imposition of a regulatory fee; to promote the efficient and economical delivery of health care services, to provide for the appropriate utilization of health care facilities and services, and to provide for the closure of hospitals or consolidation of hospitals or services; to provide for the collection and use of data and information; to provide for the transfer of property; to provide certain immunity from liability; to regulate and prohibit the sale and offering for sale of drug paraphernalia under certain circumstances; to provide for the implementation of federal law; to provide for penalties and remedies; to provide for sanctions for violations of this act and local ordinances; to repeal certain acts and parts of acts; to repeal certain parts of this act; and to repeal certain parts of this act on specific dates," (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, and those proteins and metabolites used 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, absence, or mutation of a gene or chromosome in order to qualify under this definition. Genetic test does not include a routine physical examination or a routine analysis, including, but not limited to, a chemical analysis, of body fluids, unless conducted specifically to determine the presence, absence, or mutation of a gene or chromosome.

This act is ordered to take immediate effect.

Carol Morey Viventi

Secretary of the Senate.

Ray E. Randall

Clerk of the House of Representatives.

Approved _____

Governor.