

HOUSE BILL No. 5462

January 14, 1998, Introduced by Rep. Hammerstrom and referred to the Committee on Insurance.

A bill to amend 1956 PA 218, entitled
"The insurance code of 1956,"
(MCL 500.100 to 500.8302) by adding sections 2027a and 3406j.

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 AN
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 OF THOSE POLICIES,

1 CERTIFICATES, OR COVERAGES, OR IN THE ISSUANCE OR ACCEPTANCE OF
2 ANY APPLICATION FOR THOSE POLICIES, CERTIFICATES, OR COVERAGES.

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

21 (2) AS USED IN THIS SECTION:

22 (A) "GENETIC CHARACTERISTIC" MEANS AN INHERITED GENE OR
23 CHROMOSOME, OR ALTERATION OF A GENE OR CHROMOSOME, THAT IS SCIEN-
24 TIFICALLY OR MEDICALLY BELIEVED TO PREDISPOSE AN INDIVIDUAL TO A
25 DISEASE, DISORDER, OR SYNDROME, OR TO BE ASSOCIATED WITH A STA-
26 TISTICALLY SIGNIFICANT INCREASED RISK OF DEVELOPMENT OF A
27 DISEASE, 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. 3406J. 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 ANY GENETIC CHARACTERISTIC. AS USED IN
14 THIS SECTION, "GENETIC CHARACTERISTIC" MEANS AN INHERITED GENE OR
15 CHROMOSOME, OR ALTERATION OF A GENE OR CHROMOSOME, THAT IS SCIEN-
16 TIFICALLY OR MEDICALLY BELIEVED TO PREDISPOSE AN INDIVIDUAL TO A
17 DISEASE, DISORDER, OR SYNDROME, OR TO BE ASSOCIATED WITH A STA-
18 TISTICALLY INCREASED RISK OF DEVELOPMENT OF A DISEASE, DISORDER,
19 OR SYNDROME.