HOUSE BILL No. 4881

June 5, 1997, Introduced by Reps. Brewer, Wojno, Martinez, Brater, Bogardus, Tesanovich and Parks 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 3406j.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

SEC. 2027A. (1) AN UNFAIR METHOD OF COMPETITION AND AN UNFAIR OR DECEPTIVE ACT OR PRACTICE IN THE BUSINESS OF INSURANCE INCLUDES ALL OF THE FOLLOWING:

(A) DISCRIMINATING AGAINST ANY INDIVIDUAL ON THE BASIS OF GENETIC INFORMATION OR THE REFUSAL TO SUBMIT TO A GENETIC TEST OR MAKE AVAILABLE THE RESULTS OF A GENETIC TEST TO THE PERSON IN THE ISSUANCE, WITHHOLDING, EXTENSION, OR RENEWAL OF AN EXPENSE-INCURRED HOSPITAL, MEDICAL, OR SURGICAL POLICY OR CERTIFICATE OR CREDIT LIFE OR CREDIT ACCIDENT INSURANCE COVERAGE, OR IN THE FIXING OF THE RATES, TERMS, OR CONDITIONS OF THOSE POLICIES,

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

(B) DISCRIMINATING AGAINST AN INDIVIDUAL IN THE APPLICATION OF THE RESULTS OF A GENETIC TEST OR GENETIC INFORMATION IN THE UNDERWRITING OF OR DETERMINING INSURABILITY FOR A POLICY OF LIFE INSURANCE OR AN ANNUITY OR DISABILITY INCOME INSURANCE CONTRACT. IF AN INSURER WILL USE THE RESULTS OF A GENETIC TEST IN COMPLIANCE WITH THIS SUBDIVISION IN THE ISSUANCE, WITHHOLDING, EXTENSION, OR RENEWAL OF ANY POLICY OF LIFE INSURANCE OR AN ANNUITY OR DISABILITY INCOME INSURANCE CONTRACT, THE INSURER SHALL NOTIFY THE INDIVIDUAL WHO IS THE SUBJECT OF THE GENETIC TEST THAT THE TEST IS REQUIRED AND SHALL OBTAIN THE INDIVIDUAL'S WRITTEN INFORMED CONSENT FOR THE TEST PRIOR TO THE ADMINISTRATION OF THE TEST. THE INSURER SHALL ALSO PROVIDE THAT THE PHYSICIAN OR OTHER HEALTH CARE PROFESSIONAL DESIGNATED BY THE INDIVIDUAL SHALL PROMPTLY RECEIVE A COPY OF THE RESULTS OF THE TEST AND, IF REQUIRED, AN INTERPRETATION OF THE TEST RESULTS BY A QUALIFIED PROFESSIONAL, AND THAT THE INDIVIDUAL SHALL STATE IN WRITING WHETHER THE INDIVIDUAL ELECTS TO BE INFORMED OF THE RESULTS OF THE TEST.

(2) AS USED IN THIS SECTION:

(A) "GENETIC CHARACTERISTIC" MEANS AN INHERITED GENE OR CHROMOSOME, OR ALTERATION OF A GENE OR CHROMOSOME, THAT IS SCIENTIFICALLY OR MEDICALLY BELIEVED TO PREDISPOSE AN INDIVIDUAL TO A DISEASE, DISORDER, OR SYNDROME, OR TO BE ASSOCIATED WITH A STATISTICALLY SIGNIFICANT INCREASED RISK OF DEVELOPMENT OF A DISEASE, DISORDER, OR SYNDROME.

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

(C) "GENETIC TEST" MEANS A TEST FOR DETERMINING THE PRESENCE OR ABSENCE OF AN INHERITED GENETIC CHARACTERISTIC IN AN INDIVIDUAL, INCLUDING TESTS OF NUCLEIC ACIDS SUCH AS DNA, RNA, AND MITOCHONDRIAL DNA, CHROMOSOMES, OR PROTEINS IN ORDER TO IDENTIFY A PREDISPOSING GENETIC CHARACTERISTIC.

SEC. 3406J. AN INSURER THAT DELIVERS, ISSUES FOR DELIVERY, OR RENEWS IN THIS STATE AN EXPENSE-INCURRED HOSPITAL, MEDICAL, OR SURGICAL POLICY OR CERTIFICATE SHALL NOT EXCLUDE ANY INDIVIDUAL AND SHALL NOT ESTABLISH ANY RATES OR TERMS ON THE POLICY OR CERTIFICATE ON THE BASIS OF ANY GENETIC CHARACTERISTIC. AS USED IN THIS SECTION, "GENETIC CHARACTERISTIC" MEANS AN INHERITED GENE OR CHROMOSOME, OR ALTERATION OF A GENE OR CHROMOSOME, THAT IS SCIENTIFICALLY OR MEDICALLY BELIEVED TO PREDISPOSE AN INDIVIDUAL TO A DISEASE, DISORDER, OR SYNDROME, OR TO BE ASSOCIATED WITH A STATISTICALLY INCREASED RISK OF DEVELOPMENT OF A DISEASE, DISORDER, OR SYNDROME.