

4782

2009-2010 Regular Sessions

I N S E N A T E

April 27, 2009

Introduced by Sen. KRUEGER -- read twice and ordered printed, and when printed to be committed to the Committee on Insurance

AN ACT to amend the insurance law, in relation to genetic discrimination in health insurance

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

1 Section 1. Subsection (1) of section 3221 of the insurance law is
2 amended by adding a new paragraph 18 to read as follows:
3 (18) (A) DEFINITIONS. AS USED IN THIS PARAGRAPH:
4 (I) "PREDISPOSING GENETIC CHARACTERISTIC" SHALL MEAN ANY INHERITED
5 GENE OR CHROMOSOME, OR ALTERATION THEREOF, AS DETERMINED BY A GENETIC
6 TEST OR INFERRED FROM INFORMATION DERIVED FROM AN INDIVIDUAL OR FAMILY
7 MEMBER, THAT IS SCIENTIFICALLY OR MEDICALLY BELIEVED TO PREDISPOSE AN
8 INDIVIDUAL OR THE OFFSPRING OF THAT INDIVIDUAL TO A PHYSICAL OR MENTAL
9 DISEASE OR DISABILITY, OR TO BE ASSOCIATED WITH A STATISTICALLY SIGNIF-
10 ICANT INCREASED RISK OF DEVELOPMENT OF A PHYSICAL OR MENTAL DISEASE OR
11 DISABILITY.
12 (II) "GENETIC TEST" SHALL MEAN A TEST FOR DETERMINING THE PRESENCE OR
13 ABSENCE OF AN INHERITED GENETIC CHARACTERISTIC IN AN INDIVIDUAL, INCLUD-
14 ING TESTS OF NUCLEIC ACIDS SUCH AS DNA, RNA AND MITOCHONDRIAL DNA, CHRO-
15 MOSOMES OR PROTEINS IN ORDER TO IDENTIFY A PREDISPOSING GENETIC CHARAC-
16 TERISTIC.
17 (B) NO GROUP OR BLANKET POLICY DELIVERED OR ISSUED FOR DELIVERY IN
18 THIS STATE WHICH COVERS FIFTY-ONE OR MORE EMPLOYEES AND PROVIDES HOSPI-
19 TAL, MEDICAL, MAJOR MEDICAL OR SIMILAR COMPREHENSIVE-TYPE COVERAGE SHALL
20 EXCLUDE ANY GROUP MEMBER OR ELIGIBLE DEPENDENT OR ESTABLISH ANY RATES OR
21 TERMS THEREFOR SOLELY ON THE BASIS OF ANY PREDISPOSING GENETIC CHARAC-
22 TERISTIC.
23 (C) NO ISSUER OF HEALTH INSURANCE IN THIS STATE SHALL REQUIRE OR
24 UTILIZE TESTS FOR OR INFORMATION ABOUT A GROUP MEMBER'S PREDISPOSING
25 GENETIC CHARACTERISTICS AS A PART OF THE PROCESS OF UNDERWRITING.

EXPLANATION--Matter in *ITALICS* (underscored) is new; matter in brackets [] is old law to be omitted.

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1 S 2. The insurance law is amended by adding a new section 4306-c to
2 read as follows:

3 S 4306-C. GENETIC DISCRIMINATION PROHIBITED. (A) NO CONTRACT ISSUED BY
4 A HOSPITAL SERVICE CORPORATION, HEALTH SERVICE CORPORATION OR MEDICAL
5 EXPENSE INDEMNITY CORPORATION TO A GROUP OF FIFTY-ONE OR MORE EMPLOYEES
6 SHALL EXCLUDE ANY GROUP MEMBER OR ELIGIBLE DEPENDENT OR ESTABLISH ANY
7 RATES OR TERMS THEREFOR SOLELY ON THE BASIS OF ANY PREDISPOSING GENETIC
8 CHARACTERISTIC.

9 (B) NO MEDICAL EXPENSE INDEMNITY CORPORATION, HOSPITAL SERVICE CORPO-
10 RATION OR HEALTH SERVICES CORPORATION SHALL REQUIRE OR UTILIZE TESTS FOR
11 OR INFORMATION ABOUT A GROUP MEMBER'S PREDISPOSING GENETIC CHARACTER-
12 ISTICS.

13 (C) AS USED IN THIS SECTION:

14 (1) "PREDISPOSING GENETIC CHARACTERISTIC" SHALL MEAN ANY INHERITED
15 GENE OR CHROMOSOME, OR ALTERATION THEREOF, AS DETERMINED BY A GENETIC
16 TEST OR INFERRED FROM INFORMATION DERIVED FROM AN INDIVIDUAL OR FAMILY
17 MEMBER, THAT IS SCIENTIFICALLY OR MEDICALLY BELIEVED TO PREDISPOSE AN
18 INDIVIDUAL OR THE OFFSPRING OF THAT INDIVIDUAL TO A PHYSICAL OR MENTAL
19 DISEASE OR DISABILITY, OR TO BE ASSOCIATED WITH A STATISTICALLY SIGNIF-
20 ICANT INCREASED RISK OF DEVELOPMENT OF A PHYSICAL OR MENTAL DISEASE OR
21 DISABILITY.

22 (2) "GENETIC TEST" SHALL MEAN A TEST FOR DETERMINING THE PRESENCE OR
23 ABSENCE OF AN INHERITED GENETIC CHARACTERISTIC IN AN INDIVIDUAL, INCLUD-
24 ING TESTS OF NUCLEIC ACIDS SUCH AS DNA, RNA AND MITOCHONDRIAL DNA, CHRO-
25 MOSOMES OR PROTEINS IN ORDER TO IDENTIFY A PREDISPOSING GENETIC CHARAC-
26 TERISTIC.

27 S 3. This act shall take effect on the ninetieth day after it shall
28 have become a law, and shall apply to all policies and contracts issued,
29 renewed, modified, altered or amended on or after such effective date.