

# STATE OF NEW YORK

2083

2023-2024 Regular Sessions

## IN ASSEMBLY

January 23, 2023

Introduced by M. of A. DINOWITZ, GALLAGHER, TAPIA, STIRPE, SIMON, GLICK,  
COLTON -- read once and referred to the Committee on Insurance

AN ACT to amend the insurance law, in relation to prohibiting insurance  
companies from discriminating based on genetic predisposition; and to  
repeal certain provisions of such law relating thereto

The People of the State of New York, represented in Senate and Assem-  
bly, do enact as follows:

1 Section 1. Section 2615 of the insurance law is REPEALED and a new  
2 section 2615 is added to read as follows:

3 § 2615. Discrimination because of genetic predisposition. (a) No  
4 life, accident, health, disability, long term care, or medical indemnity  
5 insurer shall condition insurance rates, the provision or renewal of  
6 coverage or benefits, or any other coverage term on the agreement of an  
7 individual to undergo genetic testing. Such insurers shall not require  
8 or solicit genetic information, use genetic testing results, or consider  
9 a person's decisions or actions relating to genetic testing in any  
10 manner for any insurance purpose.

11 (b) No life, accident, health, disability, long term care, or medical  
12 indemnity insurer shall refuse to issue or renew a policy, cancel a  
13 policy, or alter terms and conditions of coverage based on a genetic  
14 predisposition of the insured individual or of a member of the insured's  
15 family.

16 (c) Nothing in this section shall be construed as preventing an insur-  
17 er from accessing an individual's medical record, if otherwise allowed  
18 by law. Nothing in this section prohibits an insurer from considering a  
19 medical diagnosis included in an individual's medical record, even if a  
20 diagnosis was made based on the results of a genetic test.

21 (d) For purposes of this section, the terms "genetic testing" and  
22 "genetic predisposition" shall have the meanings set forth in section  
23 seventy-nine-1 of the civil rights law.

24 § 2. This act shall take effect immediately.

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

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