STATE OF NEW YORK

5415--A

2023-2024 Regular Sessions

IN SENATE

March 3, 2023

Introduced by Sen. HOYLMAN-SIGAL -- read twice and ordered printed, and when printed to be committed to the Committee on Insurance -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

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 Assembly, do enact as follows:

Section 1. This act shall be known and may be cited as the "genetic testing protection act of New York".

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 Section 2615 of the insurance law is REPEALED and a new section 2615 is added to read as follows:

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

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

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

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

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

§ 3. This act shall take effect immediately.