By: Representatives Holland, Scott (17th)   To: Insurance

HOUSE BILL NO. 347

1   AN ACT TO CREATE THE "GENETIC INFORMATION NONDISCRIMINATION
2 IN HEALTH INSURANCE ACT OF 1999"; TO PROVIDE DEFINITIONS; TO
3 PROVIDE THAT NO HEALTH BENEFIT PLAN MAY DENY, CANCEL OR REFUSE TO
4 RENEW BENEFITS OR COVERAGE ON THE BASIS OF GENETIC INFORMATION;
5 AND FOR RELATED PURPOSES.

6   BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

7   SECTION 1. This act shall be known and may be cited as the

8 "Genetic Information Nondiscrimination in Health Insurance Act of

9 1999."

10   SECTION 2. As used in this act, the following words and

11 phrases shall have the meanings ascribed herein unless the context

12 clearly requires otherwise:

13   (a) "Genetic information" means information about

14 genes, gene products or inherited characteristics that may derive

15 from an individual or a family member of the individual.

16   (b) "Genetic services" means health services provided

17 to obtain, assess and interpret genetic information for diagnostic

18 and therapeutic purposes and for genetic education and counseling.

19   (c) "Family member" means, with respect to an

20 individual, another individual related by blood to that individual

21 or a spouse or adopted child of the individual.

22   (d) "Health benefit plan" means a plan that provides

23 benefits for medical or surgical expenses incurred as a result of

24 a health condition, accident or sickness and that is offered by

25 any insurance company, group hospital service corporation or

26 health maintenance organization that delivers or issues for

27 delivery an individual, group, blanket or franchise insurance

28 policy or insurance agreement, a group hospital service contract

29 or an evidence of coverage or, to the extent permitted, by the

30 Employee Retirement Income Security Act of 1974 (29 USCS Section

31 1001 et seq.), by a multiple employer welfare arrangement as

32 defined by Section 3, Employee Retirement Income Security Act of

33 1974 (29 USCS Section 1002), a Medicare supplemental policy as

34 defined by Section 1882(g)(1), Social Security Act (42 USCS

35 Section 1395) or any other analogous benefit arrangement.

36   SECTION 3. (1) No health benefit plan may deny, cancel or

37 refuse to renew benefits or coverage or vary the premiums, terms

38 or conditions for benefits or coverage for any participant or

39 beneficiary under the plan on the basis of genetic information or

40 on the basis that the participant or beneficiary has requested or

41 received genetic services.

42   (2) No health benefit plan may request or require a plan

43 participant or beneficiary or an applicant for coverage as a plan

44 participant or beneficiary to disclose to the plan genetic

45 information about the plan participant, beneficiary or applicant.

46   (3) No health benefit plan may disclose genetic information

47 about a plan participant or beneficiary or an applicant for

48 coverage as a plan participant or beneficiary without the prior

49 written authorization of the plan participant, beneficiary or

50 applicant or of the legal representative thereof. Such

51 authorization is required for each disclosure and shall include an

52 identification of the person to whom the disclosure may be made.

53   (4) Any health benefit plan that fails to meet the

54 requirements of this section may be liable to the plan

55 participant, beneficiary or applicant for compensatory,

56 consequential and punitive damages.

57   SECTION 4. This act shall take effect and be in force from

58 and after July 1, 1999.