

By: Representative Fleming

To: Insurance

HOUSE BILL NO. 99

1 AN ACT TO CREATE THE "GENETIC INFORMATION NONDISCRIMINATION  
2 IN HEALTH, LIFE AND DISABILITY INSURANCE ACT OF 2001"; TO PROVIDE  
3 DEFINITIONS; TO PROVIDE THAT NO HEALTH, LIFE OR DISABILITY BENEFIT  
4 PLAN OR POLICY MAY DENY, CANCEL OR REFUSE TO RENEW BENEFITS OR  
5 COVERAGE OR VARY THE PREMIUMS FOR COVERAGE ON THE BASIS OF GENETIC  
6 INFORMATION; AND FOR RELATED PURPOSES.

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

8 SECTION 1. This act shall be known and may be cited as the  
9 "Genetic Information Nondiscrimination in Health, Life and  
10 Disability Insurance Act of 2001."

11 SECTION 2. As used in this act, the following words and  
12 phrases shall have the meanings ascribed herein unless the context  
13 clearly requires otherwise:

14 (a) "Genetic information" means information about  
15 genes, gene products or inherited characteristics that may derive  
16 from an individual or a family member of the individual,  
17 including, but not limited to, any predisposition to cancer.

18 (b) "Genetic services" means health services provided  
19 to obtain, assess and interpret genetic information for diagnostic  
20 and therapeutic purposes and for genetic education and counseling.

21 (c) "Family member" means, with respect to an  
22 individual, another individual related by blood to that individual  
23 or a spouse or adopted child of the individual.

24 (d) "Health benefit plan" means a plan that provides  
25 benefits for medical or surgical expenses incurred as a result of  
26 a health condition, accident or sickness and that is offered by  
27 any insurance company, group hospital service corporation or  
28 health maintenance organization that delivers or issues for  
29 delivery an individual, group, blanket or franchise insurance



30 policy or insurance agreement, a group hospital service contract  
31 or an evidence of coverage or, to the extent permitted, by the  
32 Employee Retirement Income Security Act of 1974 (29 USCS Section  
33 1001 et seq.), by a multiple employer welfare arrangement as  
34 defined by Section 3, Employee Retirement Income Security Act of  
35 1974 (29 USCS Section 1002), a Medicare supplemental policy as  
36 defined by Section 1882(g)(1), Social Security Act (42 USCS  
37 Section 1395) or any other analogous benefit arrangement.

38 SECTION 3. (1) No health benefit plan or any issuer of a  
39 disability or life insurance policy may deny, cancel or refuse to  
40 renew benefits or coverage or vary the premiums, terms or  
41 conditions for benefits or coverage for any participant or  
42 beneficiary under the plan or policy on the basis of genetic  
43 information or on the basis that the participant or beneficiary  
44 has requested or received genetic services.

45 (2) No health benefit plan or any issuer of a disability or  
46 life insurance policy may request or require a plan/policy  
47 participant or beneficiary or an applicant for coverage as a  
48 plan/policy participant or beneficiary to disclose to the plan or  
49 the policy issuer genetic information about the plan/policy  
50 participant, beneficiary or applicant.

51 (3) No health benefit plan or any issuer of a disability or  
52 life insurance policy may disclose genetic information about a  
53 plan/policy participant or beneficiary or an applicant for  
54 coverage as a plan/policy participant or beneficiary without the  
55 prior written authorization of the plan/policy participant,  
56 beneficiary or applicant or of the legal representative thereof.  
57 Such authorization is required for each disclosure and shall  
58 include an identification of the person to whom the disclosure may  
59 be made.

60 (4) Any health benefit plan or any issuer of a disability or  
61 life insurance policy that fails to meet the requirements of this



62 section may be liable to the plan/policy participant, beneficiary  
63 or applicant for compensatory, consequential and punitive damages.

64 SECTION 4. This act shall take effect and be in force from  
65 and after July 1, 2001.

