HOUSE BILL NO. 183

AN ACT TO CREATE THE "GENETIC INFORMATION NONDISCRIMINATION IN HEALTH, LIFE AND DISABILITY INSURANCE ACT OF 2002"; TO PROVIDE DEFINITIONS; TO PROVIDE THAT NO HEALTH, LIFE OR DISABILITY BENEFIT PLAN OR POLICY MAY DENY, CANCEL OR REFUSE TO RENEW BENEFITS OR COVERAGE OR VARY THE PREMIUMS FOR COVERAGE ON THE BASIS OF GENETIC INFORMATION; AND FOR RELATED PURPOSES.

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

SECTION 1. This act shall be known and may be cited as the "Genetic Information Nondiscrimination in Health, Life and Disability Insurance Act of 2002."

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

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

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

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

(d) "Health benefit plan" means a plan that provides benefits for medical or surgical expenses incurred as a result of a health condition, accident or sickness and that is offered by any insurance company, group hospital service corporation or health maintenance organization that delivers or issues for delivery an individual, group, blanket or franchise insurance.
policy or insurance agreement, a group hospital service contract
or an evidence of coverage or, to the extent permitted, by the
Employee Retirement Income Security Act of 1974 (29 USCS Section
1001 et seq.), by a multiple employer welfare arrangement as
defined by Section 3, Employee Retirement Income Security Act of
1974 (29 USCS Section 1002), a Medicare supplemental policy as
defined by Section 1882(g)(1), Social Security Act (42 USCS
Section 1395) or any other analogous benefit arrangement.

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

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

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

(4) Any health benefit plan or any issuer of a disability or
life insurance policy that fails to meet the requirements of this
section may be liable to the plan/policy participant, beneficiary or applicant for compensatory, consequential and punitive damages.

SECTION 4. This act shall take effect and be in force from and after July 1, 2002.