

By: Representative Fleming

To: Insurance

HOUSE BILL NO. 183

1 AN ACT TO CREATE THE "GENETIC INFORMATION NONDISCRIMINATION
2 IN HEALTH, LIFE AND DISABILITY INSURANCE ACT OF 2002"; 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 2002."

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, 2002.

