

By: Senator(s) Boyd, McLendon

To: Insurance

SENATE BILL NO. 2037

1 AN ACT RELATING TO GENETIC INFORMATION FOR CERTAIN INSURANCE  
 2 PURPOSES; TO PROVIDE DEFINITIONS; TO PROHIBIT LIFE INSURERS AND  
 3 DISABILITY INSURERS FROM CANCELING, LIMITING, OR DENYING COVERAGE,  
 4 OR ESTABLISHING DIFFERENTIALS IN PREMIUM RATES, BASED ON GENETIC  
 5 INFORMATION UNDER CERTAIN CIRCUMSTANCES; TO PROHIBIT THOSE  
 6 INSURERS FROM TAKING CERTAIN ACTIONS RELATING TO GENETIC  
 7 INFORMATION FOR ANY INSURANCE PURPOSE COVERED UNDER THE ACT; TO  
 8 PROVIDE FOR PROSPECTIVE APPLICATION ONLY; AND FOR RELATED  
 9 PURPOSES.

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

11 **SECTION 1.** (1) **Definitions.** As used in this section, the  
 12 term:

13 (a) "Genetic information" means information derived  
 14 from genetic testing to determine the presence or absence of  
 15 variations or mutations, including carrier status, in an  
 16 individual's genetic material or genes that are scientifically or  
 17 medically believed to cause a disease, disorder or syndrome, or  
 18 are associated with a statistically increased risk of developing a  
 19 disease, disorder or syndrome that is asymptomatic at the time of  
 20 testing. Such testing does not include routine physical  
 21 examinations or chemical, blood or urine analysis, unless



22 conducted purposefully to obtain genetic information, or questions  
23 regarding family history.

24 (b) "Life insurer" has the same meaning as defined in  
25 Section 83-7-1 for life insurance company, and includes an insurer  
26 issuing life insurance contracts that grant additional benefits in  
27 the event of the insured's disability.

28 (c) "Disability insurer" means an insurer that issues a  
29 policy for income protection to pay the insured a portion of the  
30 insured's monthly pre-tax income if the insured is unable to work  
31 because of an illness or injury.

32 (2) **Use of genetic information.** (a) In the absence of a  
33 diagnosis of a condition related to genetic information, life  
34 insurers and disability insurers authorized to transact insurance  
35 in this state may not cancel, limit or deny coverage, or establish  
36 differentials in premium rates, based on genetic information.

37 (b) Life insurers and disability insurers may not  
38 require or solicit genetic information, use genetic test results,  
39 or consider a person's decisions or actions relating to genetic  
40 testing in any manner for any insurance purpose.

41 (c) This section does not apply to the underwriting or  
42 issuance of an accident-only policy, hospital indemnity or fixed  
43 indemnity policy, dental policy or vision policy or any other  
44 actions of an insurer directly related to an accident-only policy,  
45 hospital indemnity or fixed indemnity policy, dental policy or  
46 vision policy.



47           (d) Nothing in this section shall be construed as  
48 preventing a life insurer or disability insurer from accessing an  
49 individual's medical records as part of an application exam.  
50 Nothing in this section prohibits a life insurer or disability  
51 insurer from considering a medical diagnosis included in an  
52 individual's medical record, even if a diagnosis was made based on  
53 the results of a genetic test.

54           (3) **Prospective application.** This section applies to  
55 policies entered into or renewed on or after the effective date of  
56 this act.

57           **SECTION 2.** This act shall take effect and be in force from  
58 and after July 1, 2022.

