

1 HB266
2 204681-1
3 By Representatives Stringer, Boyd, Brown (C), Isbell,
4 Rafferty, Drummond, Forte, Warren, Sullivan, Whorton and
5 Oliver
6 RFD: Insurance
7 First Read: 18-FEB-20

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8 SYNOPSIS: Under existing law, health benefit plans are
9 prohibited from using genetic testing to determine
10 if an individual has a greater likelihood of being
11 diagnosed with cancer.

12 This bill would prohibit health benefit
13 plans, life insurers, and long term care insurers
14 from using an individual's genetic information to
15 deny him or her insurance or to establish
16 differentials in premium rates.

17 This bill would also prohibit health benefit
18 plans, life insurers, and long term care insurers
19 from requiring or soliciting genetic information,
20 using genetic test results, or considering an
21 individual's decisions or actions relating to
22 genetic testing in any manner for insurance
23 purposes.

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25 A BILL
26 TO BE ENTITLED
27 AN ACT

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2 Relating to insurance; to amend Section 27-53-1,
3 Code of Alabama 1975, and to add Section 27-53-2.1 to the Code
4 of Alabama 1975, to prohibit the use of genetic testing for
5 certain insurance eligibility determinations or premium
6 differentials.

7 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

8 Section 1. Section 27-53-1, Code of Alabama 1975, is
9 amended to read as follows:

10 "§27-53-1.

11 "As used in this chapter, the following terms shall
12 have the following meanings:

13 "(1) GENETIC CHARACTERISTICS. A scientifically or
14 medically identifiable gene or chromosome, or alteration
15 thereof, that is known to be a cause of a disease or disorder,
16 or determined to be associated with a statistically increased
17 risk of development of a disease or disorder.

18 "(2) GENETIC INFORMATION. Information derived from
19 genetic testing to determine the presence or absence of
20 variation or mutations, including carrier status, in an
21 individual's genetic material or genes that are scientifically
22 or medically believed to cause a disease, disorder, or
23 syndrome, or are associated with statistically increased risk
24 of developing a disease, disorder, or syndrome, which is
25 asymptomatic at the time of testing. Such testing does not
26 include routine physical examination or chemical, blood, or

1 urine analysis, unless conducted purposefully to obtain
2 genetic information, or questions regarding family history.

3 "~~(2)~~ (3) GENETIC TEST. A pre-symptomatic laboratory
4 test which is generally accepted in the scientific and medical
5 communities for the determination of the presence or absence
6 of the genetic characteristics that cause or are associated
7 with risk of a disease or disorder.

8 "~~(3)~~ (4) HEALTH BENEFIT PLAN. A health insurance
9 policy, including a self-insured health plan, that covers
10 hospital, medical, or surgical expenses, health maintenance
11 organizations, preferred provider organizations, medical
12 service organizations, physician-hospital organizations, or
13 any other person, firm, corporation, joint venture, or other
14 similar business entity that pays for, purchases, or furnishes
15 health care services to patients, insureds, or beneficiaries
16 in this state. For the purpose of this chapter, a health
17 benefit plan located or domiciled outside of the State of
18 Alabama is deemed to be subject to the provisions of this
19 chapter if it receives, processes, adjudicates, pays, or
20 denies claims for health care services submitted by or on
21 behalf of patients, insureds, or beneficiaries who reside in
22 the State of Alabama or who receive health care services in
23 the State of Alabama. The term includes, but is not limited
24 to, entities created pursuant to Article 6 of Chapter 4 of
25 Title 10.

26 "(5) LIFE INSURER. An insurer licensed under the
27 laws of this state and engaged in the business of issuing life

1 insurance contracts, including contracts of combined life and
2 health and accident insurance in the event of an insured's
3 disability or death.

4 "(6) LONG-TERM CARE INSURER. An insurer licensed
5 under the laws of this state and engaged in the business of
6 issuing long term care insurance policies for one or more
7 necessary or medically necessary diagnostic, preventive,
8 therapeutic, curing, treating, mitigating, rehabilitative,
9 maintenance, or personal care services provided in a setting
10 other than an acute care unit of a hospital."

11 Section 2. Section 27-53-2.1 is added to the Code of
12 Alabama 1975, to read as follows:

13 §27-53-2.1.

14 (a) In the absence of a diagnosis of a condition
15 related to genetic information, health benefit plans, life
16 insurers, and long-term care insurers may not cancel, limit,
17 or deny coverage or establish differentials in premium rates,
18 based on the genetic information.

19 (b) Health benefit plans, life insurers, and
20 long-term care insurers may not require or solicit genetic
21 information, use genetic test results, or consider an
22 individual's decisions or actions relating to genetic testing
23 in any manner for any insurance purpose.

24 (c) This section does not apply to the underwriting
25 or issuance of an accident-only policy, hospital or fixed
26 indemnity or fixed indemnity policy, dental policy or vision
27 policy or any other actions of an insurer directly related to

1 an accident-only policy, hospital or fixed indemnity, dental
2 policy, or vision policy.

3 (d) This section applies to policies entered into or
4 renewed on or after January 1, 2021.

5 Section 3. This act shall become effective on the
6 first day of the third month following its passage and
7 approval by the Governor, or its otherwise becoming law.