

2021 Regular Session

HOUSE BILL NO. 703 (Substitute for House Bill No. 455 by Representative DuBuisson)

BY REPRESENTATIVE DUBUISSON

INSURANCE/LIFE: Provides relative to the use of genetic information in underwriting for life and long-term care insurance

1 AN ACT

2 To enact R.S. 22:918, relative to the use of genetic testing in underwriting for life and  
3 long-term care insurance and annuities policies; to generally prohibit insurers from  
4 considering or requiring genetic research and testing in underwriting decisions for  
5 life and long-term care insurance and annuities policies; to provide for definitions;  
6 and to provide for related matters.

7 Be it enacted by the Legislature of Louisiana:

8 Section 1. R.S. 22:918 is hereby enacted to read as follows:

9 §918. Prohibited discrimination; genetic information derived from participation in  
10 genetic or clinical research; definitions

11 A. As used in this Section, the following definitions apply:

12 (1) "DNA" means deoxyribonucleic acid including mitochondrial DNA and  
13 complementary DNA, as well as any DNA derived from ribonucleic acid (RNA).

14 (2) "Family member" means an individual's blood relatives.

15 (3) "Genetic information" means information derived from genetic testing  
16 to determine the presence or absence of variations or mutations, including carrier  
17 status, in an individual's genetic material or genes that are scientifically or medically  
18 believed to cause a disease, disorder or syndrome, or are associated with a  
19 statistically increased risk of developing a disease, disorder, or syndrome which is

1 asymptomatic at the time of testing. The term "genetic information" does not include  
2 information about an individual's sex, age, or family history.

3 (4) "Genetic services" means a genetic test or genetic counseling, including  
4 obtaining, interpreting, or assessing genetic information, or genetic education.

5 (5) "Genetic test" means an analysis of human DNA, RNA, or chromosomes  
6 that detects genotypes, mutations, or chromosomal changes. "Genetic test" does not  
7 include routine physical examinations or chemical, blood, or urine analysis,  
8 questions regarding family history or any test performed due to the presence of signs,  
9 symptoms, or other manifestations of a disease, illness, impairment, or other  
10 disorder.

11 (6) "Individual" means an applicant for coverage or a person already covered  
12 by an insurer.

13 (7) "Insurer" means an authorized insurer as defined by R.S. 22:46 engaged  
14 in the business of making life insurance policies, long-term care insurance policies,  
15 or annuity contracts including a group insurance plan, or insurance agents and  
16 third-party administrators.

17 B. An insurer, in determining eligibility for coverage, establishing premiums,  
18 limiting coverage, or making any other underwriting decisions, shall not do either  
19 of the following:

20 (1) Take into consideration the fact that an individual or a family member  
21 of the individual participated in genetic research, including any request for or receipt  
22 of genetic services or participation by an individual or family member in clinical  
23 research that includes genetic services, unless the results of that genetic research are  
24 included in the individual's medical record provided by the individual for  
25 consideration by the insurer.

26 (2) Require or request an individual or a family member of the individual to  
27 take a genetic test.

28 C. An insurer shall not do any of the following:

1           (1) Cancel or refuse to renew an existing policy based on the fact that an  
2           individual or a family member of the individual requested or received genetic  
3           services.

4           (2) Cancel or refuse to renew an existing policy based on the fact that an  
5           individual or a family member of the individual participated in genetic research,  
6           including clinical research that includes genetic services.

7           (3) Purchase genetic information about an individual without the individual's  
8           written consent.

9           D. Nothing in this Section shall be construed as preventing an insurer from  
10          doing any of the following:

11          (1) Accessing an individual's medical record as part of the application  
12          process.

13          (2) Establishing rules for eligibility for an individual to enroll in insurance  
14          coverage based on the manifestation of a disease or disorder in that individual.

15          (3) Adjusting premium or contribution amounts for an individual based on  
16          the manifestation of a disease or disorder in that individual.

17          (4) Increasing the premium for an employer, based on the manifestation of  
18          a disease or disorder in an individual enrolled in a group plan.

19          (5) Considering genetic information contained in an applicant's medical  
20          record if the information is relevant to a potential medical condition that impacts  
21          mortality or morbidity, and consideration of the genetic information is based on  
22          sound actuarial principles or reasonably expected experience.

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#### DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

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HB 703 Original

2021 Regular Session

DuBuisson

**Abstract:** Generally prohibits an insurer's use of genetic information and genetic testing relative to underwriting purposes of life and long-term care insurance policies and annuities contracts.

Proposed law defines "DNA", "family member", "genetic information", "genetic services", "genetic test", "individual", and "insurer".

Proposed law generally prohibits an insurer offering life and long-term care insurance policies, or annuities contracts including group plans, from considering an individual's or the individual's family member's participation in genetic research for underwriting purposes, unless the results of that genetic research are included in the individual's medical record provided by the individual for consideration by the insurer.

Proposed law prohibits an insurer's requests for or receipts of genetic services or clinical research, and prohibits an insurer from requiring or requesting individuals or family members to take a genetic test.

Proposed law prohibits an insurer from cancelling or refusing to renew an existing policy based on the fact that an individual or the individual's family member requested or received genetic services, or on the fact that an individual or the individual's family member participated in genetic research, including clinical research that includes genetic services.

Proposed law prohibits an insurer's purchase of an individual's genetic information without the individual's written consent.

Proposed law, under certain circumstances, does not prevent an insurer from certain actions related to accessing an individual's medical records for application processes, establishing rules for eligibility for enrollment, adjusting premium or contribution amounts, increasing premiums for employers, and considering genetic information relevant to a potential medical condition that impacts mortality or morbidity, when such consideration is based on sound actuarial principles or reasonably expected experience.

(Adds R.S. 22:918)