

2021 Regular Session

ACT No. 242

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

BY REPRESENTATIVE DUBUISSON

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

SPEAKER OF THE HOUSE OF REPRESENTATIVES

PRESIDENT OF THE SENATE

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____