

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 1284 Session of
2020

INTRODUCED BY FONTANA, SCHWANK, MUTH, BROWNE, BREWSTER, KEARNEY,
TARTAGLIONE AND COSTA, SEPTEMBER 8, 2020

REFERRED TO BANKING AND INSURANCE, SEPTEMBER 8, 2020

AN ACT

1 Amending the act of May 17, 1921 (P.L.682, No.284), entitled "An
2 act relating to insurance; amending, revising, and
3 consolidating the law providing for the incorporation of
4 insurance companies, and the regulation, supervision, and
5 protection of home and foreign insurance companies, Lloyds
6 associations, reciprocal and inter-insurance exchanges, and
7 fire insurance rating bureaus, and the regulation and
8 supervision of insurance carried by such companies,
9 associations, and exchanges, including insurance carried by
10 the State Workmen's Insurance Fund; providing penalties; and
11 repealing existing laws," in general provisions relating to
12 insurance companies, associations and exchanges, providing
13 for use of genetic information for insurance purposes.

14 The General Assembly of the Commonwealth of Pennsylvania
15 hereby enacts as follows:

16 Section 1. The act of May 17, 1921 (P.L.682, No.284), known
17 as The Insurance Company Law of 1921, is amended by adding a
18 section to read:

19 Section 359. Use of Genetic Information for Insurance
20 Purposes.--(a) Notwithstanding any other provision of law,
21 health insurers, life insurers and long-term care insurers may
22 not:

23 (1) cancel, limit or deny coverage or establish

differentials in premium rates regarding an offered, issued or renewed policy, contract or plan based on genetic information; or

(2) require or solicit genetic information, use genetic test results or consider an individual's decisions or actions relating to genetic information or a genetic test in any manner for any insurance purpose.

(b) Nothing in this section may be construed as preventing a life insurer or long-term care insurer from accessing an individual's medical record as part of an application exam. Nothing in this section prohibits a life insurer or long-term care insurer from considering a medical diagnosis included in an individual's medical record, even if a diagnosis was made based on the results of a genetic test.

(c) This section shall apply as follows:

(1) Except as provided in paragraph (2), this section applies to policies, contracts or plans entered into or renewed on or after January 1, 2021.

(2) This section does not apply to any of the following:

(i) An accident only policy.

(ii) A credit only policy.

(iii) A Medicare supplement policy.

(iv) A fixed indemnity policy.

(v) A dental only policy.

(vi) A vision only policy.

(vii) A workers' compensation policy.

(viii) An automobile medical payment policy.

(ix) A policy under which benefits are provided by the Federal Government to active or former military personnel and their dependents.

1 (x) Any other similar policies providing for limited
2 benefits.

3 (d) As used in this section, the following words and phrases
4 shall have the meanings given to them in this subsection unless
5 the context clearly indicates otherwise:

6 "Genetic information" means information derived from genetic
7 testing to determine the presence or absence of variations or
8 mutations, including carrier status, in an individual's genetic
9 material or genes that are scientifically or medically believed
10 to cause a disease, disorder or syndrome, or are associated with
11 a statistically increased risk of developing a disease, disorder
12 or syndrome, which is asymptomatic at the time of testing. Such
13 testing does not include routine physical examinations or
14 chemical, blood or urine analysis, unless conducted purposefully
15 to obtain genetic information or questions regarding family
16 history.

17 "Genetic test" means a test for determining the presence or
18 absence of an inherited genetic characteristic in an individual,
19 including tests of nucleic acids such as DNA, RNA and
20 mitochondrial DNA, chromosomes or proteins, in order to identify
21 a predisposing genetic characteristic.

22 "Health insurer" means an insurer that offers, issues or
23 renews an individual or group health, accident or sickness
24 insurance policy, contract or plan and that is governed under
25 any of the following:

26 (1) This act.

27 (2) 40 Pa.C.S. Ch. 61 (relating to hospital plan
28 corporations).

29 (3) 40 Pa.C.S. Ch 63 (relating to professional health
30 services plan corporations).

1 (4) The act of December 29, 1972 (P.L.1701, No.364), known
2 as the "Health Maintenance Organization Act."

3 "Life insurer" means an insurer that offers, issues or renews
4 a life insurance policy, contract or plan and that is offered or
5 governed under any of the following:

6 (1) This act.

7 (2) The act of March 10, 1949 (P.L.30, No.14), known as the
8 "Public School Code of 1949."

9 "Long-term care insurer" means an insurer that offers, issues
10 or renews a long-term care insurance policy or a group long-term
11 care insurance policy and that is offered or governed under this
12 act.

13 Section 2. This act shall take effect immediately.