

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 829 Session of 2009

INTRODUCED BY READSHAW, CUTLER, SIPTROTH, CARROLL, FREEMAN,
GIBBONS, W. KELLER, KORTZ, KULA, LONGIETTI, MCGEEHAN, MELIO,
MENSCH, MUNDY, MUSTIO, M. O'BRIEN, STABACK, VULAKOVICH AND
YOUNGBLOOD, MARCH 10, 2009

REFERRED TO COMMITTEE ON STATE GOVERNMENT, MARCH 10, 2009

AN ACT

1 Prohibiting discrimination in insurance coverage on the basis of
2 genetic information or a request for genetic services.

3 The General Assembly of the Commonwealth of Pennsylvania
4 hereby enacts as follows:

5 Section 1. Short title.

6 This act shall be known and may be cited as the Genetic
7 Information Nondiscrimination in Insurance Act.

8 Section 2. Declaration of policy.

9 The General Assembly finds and declares as follows:

10 (1) New genetic discoveries have the potential to
11 improve medical care for many Pennsylvanians.

12 (2) Legitimate medical uses of genetic testing are
13 beneficial and should be encouraged.

14 (3) Genetic information is uniquely personal information
15 that should not be collected, retained or disclosed without
16 an individual's authorization.

17 (4) The improper collection, retention or disclosure of

genetic information can lead to significant harm to an individual, including discrimination in insurance.

(5) Current law does not adequately protect individuals from discrimination in insurance on the basis of genetic information.

Section 3. Definitions.

The following words and phrases when used in this act shall have the meanings given to them in this section unless the context clearly indicates otherwise:

"Genetic information." Information about genes, gene products, or inherited characteristics that may derive from an individual or with respect to that individual, another individual related by blood to that individual, or a spouse or adopted child of the individual.

"Genetic services." Health services provided to obtain, assess and interpret genetic information for diagnostic and therapeutic purposes and for genetic education and counseling.

"Insurance agreement." An insurance policy, contract or group insurance certificate issued by an insurer.

"Insurer." Any legal entity engaged in the business of insurance, including any individual, corporation, association, reciprocal hospital company, nonprofit professional health service plan, health maintenance organization, fraternal benefit society, risk-bearing or nonrisk-bearing preferred provider organization subject to the provisions of section 630 of the act of May 17, 1921 (P.L.682, No.284), known as The Insurance Company Law of 1921, or self-insured health plan not regulated under the Employee Retirement Income Security Act of 1974 (Public Law 93-406, 88 Stat. 829).

Section 4. Discrimination prohibited.

1 An insurer may not:

2 (1) Deny, cancel, limit or refuse to renew an insurance
3 agreement or vary the premiums, terms or conditions for an
4 insurance agreement for any participant, beneficiary or
5 applicant for coverage as a participant or beneficiary:

6 (i) on the basis of genetic information; or

7 (ii) on the basis that the individual or a family
8 member of the individual has requested or received
9 genetic services.

10 (2) Request or require a participant, beneficiary or
11 applicant for coverage as a participant or beneficiary to
12 obtain or disclose genetic information about the individual
13 or a family member of the individual.

14 (3) Request or require a participant, beneficiary or
15 applicant for coverage as a participant or beneficiary to
16 reveal whether or not the individual or a family member of
17 the individual has obtained genetic information.

18 (4) Disclose any genetic information about an individual
19 or a family member of the individual without the explicit
20 written consent of the individual from whom the information
21 was derived.

22 Section 5. Penalties.

23 (a) General rule.--Any violation of this act by an insurer
24 shall be deemed an unfair insurance practice as defined in
25 section 5 of the act of July 22, 1974 (P.L.589, No.205), known
26 as the Unfair Insurance Practices Act, and shall be subject to
27 the penalties provided under that act.

28 (b) Cause of action.--Any individual who is harmed as a
29 result of a violation of this act shall have a civil cause of
30 action against the insurer whose violation caused the harm. In

1 any such action, the insurer may in the court's discretion be
2 liable for compensatory, consequential and punitive damages.

3 Section 6. Enforcement.

4 The Insurance Commissioner shall have the same powers to
5 enforce this act as provided in the act of July 22, 1974
6 (P.L.589, No.205), known as the Unfair Insurance Practices Act.

7 Section 7. Effective date.

8 This act shall take effect in 60 days.