

HOUSE BILL NO. 407

IN THE LEGISLATURE OF THE STATE OF ALASKA

NINETEENTH LEGISLATURE - SECOND SESSION

BY REPRESENTATIVES DAVIES, Brown, Nicholia

Introduced: 1/10/96

Referred: Labor and Commerce, Judiciary, Finance

A BILL

FOR AN ACT ENTITLED

1 **"An Act relating to discrimination by certain insurers against a person with a**
2 **genetic defect."**

3 **BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:**

4 *** Section 1.** AS 21.36 is amended by adding a new section to read:

5 Sec. 21.36.092. **PROHIBITED DISCRIMINATION AGAINST PERSONS**

6 **WITH GENETIC DEFECTS.** (a) An insurer may not

7 (1) refuse to issue, sell, or renew a policy of life or disability insurance
8 if the refusal is based only on an asymptomatic genetic characteristic of the person to
9 be insured;

10 (2) charge a higher premium, require a rebate, discount, or otherwise
11 discriminate in the amount to be paid for insurance coverage issued to a person who
12 has an asymptomatic genetic characteristic;

13 (3) insert a condition in a policy of life or disability insurance that
14 covers a person with an asymptomatic genetic characteristic unless the policy condition

1 is also imposed on other persons with similar coverage; or

2 (4) fix a lower rate in agent or broker fees or commissions for issuing
3 or renewing a policy of life or disability insurance if the lower rate is based only on
4 the fact that the insured person has an asymptomatic genetic characteristic.

5 (B) In this section,

6 (1) "asymptomatic genetic characteristic" means a scientific or
7 medically identifiable gene or chromosome, or alteration of a gene or chromosome,
8 that is known to be a cause of a disease or disorder, or is associated with a statistically
9 increased risk of development of a disease or disorder, and that is asymptomatic of any
10 disease or disorder;

11 (2) "insurer" includes

12 (A) an insurer as defined in AS 21.90.900;

13 (B) a group health plan as defined in 29 U.S.C.
14 1167(1)(Employee Retirement Income Security Act of 1974);

15 (C) a health maintenance organization as defined in
16 AS 21.86.900;

17 (D) a hospital service corporation or medical service corporation
18 as defined in AS 21.87.330;

19 (E) a writing carrier as defined in AS 21.55.500; and

20 (F) an entity offering a service benefit plan as referred to in 42
21 U.S.C. 1396g - 1.