

CS FOR HOUSE BILL NO. 407(L&C)

IN THE LEGISLATURE OF THE STATE OF ALASKA

NINETEENTH LEGISLATURE - SECOND SESSION

BY THE HOUSE LABOR AND COMMERCE COMMITTEE

Offered: 4/22/96

Referred: Judiciary, Finance

Sponsor(s): REPRESENTATIVES DAVIES, Brown, Nicholia, James

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) Except as provided under (b) of this section, an
7 insurer may not

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

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

14 (3) insert a condition in a policy of life or disability insurance that

1 covers a person with an asymptomatic genetic characteristic unless the policy condition
2 is also imposed on other persons with similar coverage; or

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

6 (b) The provisions of (a) of this section do not apply to an applicant or an
7 insured person with an asymptomatic genetic characteristic and a medical condition,
8 medical history, claims experience, or actuarial projection that establishes that
9 substantial increases in claims are likely to result from the asymptomatic genetic
10 characteristic.

11 (c) In this section,

12 (1) "asymptomatic genetic characteristic" means a scientific or
13 medically identifiable gene or chromosome, or alteration of a gene or chromosome,
14 that is known to be a cause of a disease or disorder, or is associated with a statistically
15 increased risk of development of a disease or disorder, and that is asymptomatic of any
16 disease or disorder;

17 (2) "insurer" includes

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

19 (B) a group health plan as defined in 29 U.S.C.
20 1167(1)(Employee Retirement Income Security Act of 1974);

21 (C) a health maintenance organization as defined in
22 AS 21.86.900;

23 (D) a hospital service corporation or medical service corporation
24 as defined in AS 21.87.330;

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

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