

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 125 Session of 2021

INTRODUCED BY FONTANA, SCHWANK AND BREWSTER, JANUARY 26, 2021

REFERRED TO BANKING AND INSURANCE, JANUARY 26, 2021

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
 24 differentials in premium rates regarding an offered, issued or

1 renewed policy, contract or plan based on genetic information;
2 or

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

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

14 (c) This section shall apply as follows:

15 (1) Except as provided in paragraph (2), this section
16 applies to policies, contracts or plans entered into or renewed
17 on or after January 1, 2022.

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

19 (i) An accident only policy.

20 (ii) A credit only policy.

21 (iii) A Medicare supplement policy.

22 (iv) A fixed indemnity policy.

23 (v) A dental only policy.

24 (vi) A vision only policy.

25 (vii) A workers' compensation policy.

26 (viii) An automobile medical payment policy.

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

30 (x) Any other similar policies providing for limited

1 benefits.

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

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

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

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

25 (1) This act.

26 (2) 40 Pa.C.S. Ch. 61 (relating to hospital plan
27 corporations).

28 (3) 40 Pa.C.S. Ch 63 (relating to professional health
29 services plan corporations).

30 (4) The act of December 29, 1972 (P.L.1701, No.364), known

1 as the "Health Maintenance Organization Act."

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

5 (1) This act.

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

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

12 Section 2. This act shall take effect immediately.