

## ACT 217

S.B. NO. 2180

A Bill for an Act Relating to Genetic Information and Genetic Testing.

*Be It Enacted by the Legislature of the State of Hawaii:*

SECTION 1. Section 378-1, Hawaii Revised Statutes, is amended by adding four new definitions to be appropriately inserted and to read as follows:

““Being regarded as having such an impairment” includes but is not limited to employer consideration of an individual’s genetic information, including genetic information of any family member of an individual, or the individual’s refusal to submit to a genetic test as a condition of initial or continued employment.

“Family member” means, with respect to a certain individual, another individual related by blood to that individual.

“Genetic information” means information about genes, gene products, hereditary susceptibility to disease, or inherited characteristics that may derive from the individual or family member.

“Genetic test” means a laboratory test which is generally accepted in the scientific and medical communities for the determination of the presence or absence of genetic information.”

SECTION 2. Chapter 431, article 10A, Hawaii Revised Statutes, is amended by adding a new section to part IV to be appropriately designated and to read as follows:

**“§431:10A- Genetic information nondiscrimination in extended health insurance coverage.** (a) No insurer may:

- (1) Use an individual’s or a family member’s genetic information, or request for genetic services, to deny or limit any coverage or establish eligibility, continuation, enrollment, or premium payments;
- (2) Request or require collection or disclosure of an individual’s or a family member’s genetic information; or
- (3) Disclose an individual’s or a family member’s genetic information without the written consent of the person affected, the person’s legal guardian, or a person with power of attorney for health care for the person affected. This consent shall be required for each disclosure and shall include the name of each person or organization to whom the disclosure will be made.

- (b) As used in this section:

“Family member” means, with respect to the individual, another individual related by blood to that individual.

“Genetic information” means information about genes, gene products, hereditary susceptibility to disease, or inherited characteristics that may derive from the individual or family member.

“Genetic services” means health services to obtain, assess, or interpret genetic information for diagnosis, therapy, or genetic counseling.

(c) This section shall not apply to any action taken in connection with policies of life insurance, disability income insurance, and long-term care insurance delivered or issued for delivery in this State.”

SECTION 3. Chapter 432, article 2, Hawaii Revised Statutes, is amended by adding a new section to be appropriately designated and to read as follows:

**“§432:2- Genetic information nondiscrimination in health insurance coverage.** (a) No fraternal benefit society may:

- (1) Use an individual’s or a family member’s genetic information, or request for genetic services, to deny or limit any coverage or establish eligibility, continuation, enrollment, or premium payments;
- (2) Request or require collection or disclosure of an individual’s or a family member’s genetic information; or
- (3) Disclose an individual’s or a family member’s genetic information without the written consent of the person affected, the person’s legal guardian, or a person with power of attorney for health care for the person affected. This consent shall be required for each disclosure and shall include the name of each person or organization to whom the disclosure will be made.

(b) As used in this section:

“Family member” means, with respect to the individual, another individual related by blood to that individual.

“Genetic information” means information about genes, gene products, hereditary susceptibility to disease, or inherited characteristics that may derive from the individual or family member.

“Genetic services” means health services to obtain, assess, or interpret genetic information for diagnosis, therapy, or genetic counseling.

(c) This section shall not apply to any action taken in connection with policies of life insurance, disability income insurance, and long-term care insurance delivered or issued for delivery in this State.”

SECTION 4. New statutory material is underscored.<sup>1</sup>

SECTION 5. This Act shall take effect upon its approval.

(Approved June 28, 2002.)

#### Note

1. Edited pursuant to HRS §23G-16.5.