

HB2189



101ST GENERAL ASSEMBLY

State of Illinois

2019 and 2020

HB2189

by Rep. Natalie A. Manley

SYNOPSIS AS INTRODUCED:

410 ILCS 513/20

Amends the Genetic Information Privacy Act. Provides that long-term care and life insurance policies are among those for which an insurer may not seek information derived from genetic testing. Removes language specifying that a provision prohibiting an insurer from using or disclosing protected health information that is genetic information for underwriting purposes does not apply to insurers issuing long-term care policies.

LRB101 06626 CPF 51653 b

A BILL FOR

1 AN ACT concerning health.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Genetic Information Privacy Act is amended
5 by changing Section 20 as follows:

6 (410 ILCS 513/20)

7 Sec. 20. Use of genetic testing information for insurance
8 purposes.

9 (a) An insurer may not seek information derived from
10 genetic testing for use in connection with a policy of accident
11 and health, long-term care, or life insurance. Except as
12 provided in subsection (c), an insurer that receives
13 information derived from genetic testing, regardless of the
14 source of that information, may not use the information for a
15 nontherapeutic purpose as it relates to a policy of accident
16 and health, long-term care, or life insurance.

17 (b) An insurer shall not use or disclose protected health
18 information that is genetic information for underwriting
19 purposes. For purposes of this Section, "underwriting
20 purposes" means, with respect to an insurer:

21 (1) rules for, or determination of, eligibility
22 (including enrollment and continued eligibility) for, or
23 determination of, benefits under the plan, coverage, or

1 policy (including changes in deductibles or other
2 cost-sharing mechanisms in return for activities such as
3 completing a health risk assessment or participating in a
4 wellness program);

5 (2) the computation of premium or contribution amounts
6 under the plan, coverage, or policy (including discounts,
7 rebates, payments in kind, or other premium differential
8 mechanisms in return for activities, such as completing a
9 health risk assessment or participating in a wellness
10 program);

11 (3) the application of any pre-existing condition
12 exclusion under the plan, coverage, or policy; and

13 (4) other activities related to the creation, renewal,
14 or replacement of a contract of health insurance or health
15 benefits.

16 "Underwriting purposes" does not include determinations of
17 medical appropriateness where an individual seeks a benefit
18 under the plan, coverage, or policy.

19 ~~This subsection (b) does not apply to insurers that are~~
20 ~~issuing a long-term care policy, excluding a nursing home fixed~~
21 ~~indemnity plan.~~

22 (c) An insurer may consider the results of genetic testing
23 in connection with a policy of accident and health, long-term
24 care, or life insurance if the individual voluntarily submits
25 the results and the results are favorable to the individual.

26 (d) An insurer that possesses information derived from

1 genetic testing may not release the information to a third
2 party, except as specified in this Act.

3 (Source: P.A. 98-1046, eff. 1-1-15.)