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SENATE FILE 2305

BY HAMMOND, BLACK, BOLKCOM, CONNOLLY,  
DEARDEN, DELUHERY, DVORSKY, FINK,  
FLYNN, FRAISE, GRONSTAL, HANSEN,  
HARPER, HORN, JUDGE, KIBBIE, McCOY,  
SHEARER, SOUKUP, and SZYMONIAK

Passed Senate, Date \_\_\_\_\_ Passed House, Date \_\_\_\_\_  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_ Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_  
Approved \_\_\_\_\_

A BILL FOR

1 An Act prohibiting discrimination with respect to the issuance  
2 and renewal of insurance policies based upon certain genetic  
3 information and prohibiting the disclosure and use of certain  
4 genetic information with respect to employment and providing a  
5 penalty.

6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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SF 2305 HUMAN RESOURCES

1 Section 1. Section 216.6, subsection 1, paragraph a, Code  
2 1999, is amended to read as follows:

3 a. Person to refuse to hire, accept, register, classify,  
4 or refer for employment, to discharge any employee, or to  
5 otherwise discriminate in employment against any applicant for  
6 employment or any employee because of the age, race, creed,  
7 color, sex, national origin, religion, genetic test results,  
8 or disability of such applicant or employee, unless based upon  
9 the nature of the occupation. If a person with a disability  
10 is qualified to perform a particular occupation, by reason of  
11 training or experience, the nature of that occupation shall  
12 not be the basis for exception to the unfair or discriminating  
13 practices prohibited by this subsection.

14 Sec. 2. NEW SECTION. 514L.1 DISCLOSURE OF GENETIC  
15 INFORMATION PROHIBITED.

16 1. The results of a genetic test are confidential  
17 information and shall not be disclosed by an insurer without  
18 the written consent of the individual to whom the test  
19 relates, such individual's legal guardian, or such  
20 individual's parent if the individual is a minor.

21 2. An insurer shall not deny the issuance or renewal of a  
22 contract or policy, or deny coverage under an existing  
23 contract or policy based upon the results of a genetic test.

24 3. For purposes of this section, unless the context  
25 otherwise requires:

26 a. "Genetic test" means a laboratory test of human  
27 chromosomes, genes, or gene products that is used to identify  
28 the presence or absence of inherited or congenital alterations  
29 in genetic material that are associated with a disease or  
30 illness.

31 b. "Insurer" means all of the following:

32 (1) A company or association organized under chapter 508,  
33 511, 512A, 512B, 514, 514B, or 515, that delivers, issues for  
34 delivery, continues, or renews a contract or policy including  
35 any of the following:

1 (a) Individual accident and sickness insurance providing  
2 coverage on an expense-incurred basis.

3 (b) Individual hospital or medical service contract.

4 (c) An individual health maintenance organization contract.

5 (d) An individual or group life insurance contract.

6 (2) Any other entity engaged in the business of insurance,  
7 risk transfer, or risk retention, which is subject to the  
8 jurisdiction of the commissioner.

9 (3) A plan established pursuant to chapter 509A for public  
10 employees.

11 (4) An organized delivery system licensed by the director  
12 of public health.

13 Sec. 3. NEW SECTION. 727.12 DISCLOSURE OF GENETIC TEST  
14 INFORMATION -- PENALTY.

15 A person who has, or is granted, access to the results of  
16 an individual's genetic test shall not disclose any  
17 information relating to such test to any other person, except  
18 to the extent permitted by the individual as evidenced by the  
19 individual's written consent. A person who violates this  
20 section commits a simple misdemeanor.

21 EXPLANATION

22 This bill provides that it is an unfair or discriminatory  
23 practice for a person to refuse to hire, accept, register,  
24 classify, or refer for employment, to discharge any employee,  
25 or to otherwise discriminate in employment against any  
26 applicant for employment or any employee because of the  
27 genetic test results of the applicant or employee.

28 The bill also provides that the results of a genetic test  
29 are confidential information and shall not be disclosed by an  
30 insurer without the written consent of the individual to whom  
31 the test relates, such individual's legal guardian, or such  
32 individual's parent if the individual is a minor. The bill  
33 also provides that an insurer shall not deny the issuance or  
34 renewal of a contract or policy, or deny coverage under an  
35 existing contract or policy based upon the results of a

1 genetic test.

2 The bill also provides that a person who has, or is  
3 granted, access to the results of an individual's genetic test  
4 shall not disclose any information relating to such test to  
5 any other person, except to the extent permitted by the  
6 individual as evidenced by the individual's written consent.  
7 A person who violates this Code section commits a simple  
8 misdemeanor.

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