

Senate Study Bill 3138 - Introduced

SENATE FILE _____
BY (PROPOSED COMMITTEE
ON COMMERCE BILL BY
CHAIRPERSON BROWN)

A BILL FOR

1 An Act relating to the use of genetic information provided
2 to an insurer that offers health insurance, disability
3 insurance, life insurance, or long-term care insurance.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 729.6, subsection 1, paragraph g, Code
2 2024, is amended to read as follows:

3 *g.* ~~"Health insurer"~~ "Insurer" means a carrier, as defined
4 in [section 513B.2](#), and includes an entity offering a plan
5 of disability insurance, life insurance, or long-term care
6 insurance.

7 Sec. 2. Section 729.6, subsection 1, Code 2024, is amended
8 by adding the following new paragraphs:

9 NEW PARAGRAPH. *0a.* "Disability insurance" means a contract,
10 policy, or plan for benefits consisting of a payment of a sum
11 of money to an individual in the event that an illness or
12 injury results in a disability that prevents the individual
13 from working.

14 NEW PARAGRAPH. *0j.* "Life insurance" means a contract,
15 policy, or plan for benefits consisting of a promise by an
16 insurer, to an individual, for payment of a sum of money to
17 a designated beneficiary in the event of the death of the
18 individual.

19 NEW PARAGRAPH. *00j.* "Long-term care insurance" means a
20 contract, policy, or plan for benefits consisting of a payment
21 or payments to an individual for qualified long-term care
22 services, as defined in section 7702B(c) of the Internal
23 Revenue Code.

24 Sec. 3. Section 729.6, subsection 4, paragraph a,
25 subparagraph (1), Code 2024, is amended to read as follows:

26 (1) With respect to health insurance, life insurance,
27 disability insurance, and long-term care insurance, a
28 third-party administrator or ~~health insurer~~ shall not release
29 genetic information pertaining to an individual without prior
30 written authorization of the individual. Written authorization
31 shall be required for each disclosure and shall include the
32 person to whom the disclosure is being made.

33 Sec. 4. Section 729.6, subsection 4, paragraph b, Code 2024,
34 is amended to read as follows:

35 *b.* (1) With respect to health insurance, ~~a health~~ life

1 insurance, disability insurance, and long-term care insurance,
2 an insurer shall not discriminate against an individual or
3 a member of the individual's family on the basis of genetic
4 information or genetic testing.

5 (2) This section shall not require a health an insurer to
6 provide particular benefits other than those provided under the
7 terms of the health insurer's plan or coverage. With respect
8 to health insurance, a health life insurance, disability
9 insurance, and long-term care insurance, an insurer shall not
10 consider a genetic propensity, susceptibility, or carrier
11 status as a preexisting condition for the purpose of limiting
12 or excluding benefits, establishing rates, or providing
13 coverage.

14 (3) With respect to health insurance, a health life
15 insurance, disability insurance, and long-term care insurance,
16 an insurer shall not use genetic information or genetic testing
17 for underwriting health insurance, life insurance, disability
18 insurance, or long-term care insurance in the individual and
19 group markets.

20 EXPLANATION

21 The inclusion of this explanation does not constitute agreement with
22 the explanation's substance by the members of the general assembly.

23 This bill relates to genetic information provided to an
24 insurer that offers health insurance, disability insurance,
25 life insurance, and long-term care insurance. "Insurer",
26 "disability insurance", "life insurance", and "long-term care
27 insurance" are defined in the bill.

28 Under current law, with respect to health insurance, a
29 third-party administrator or health insurer shall not release
30 genetic information pertaining to an individual without the
31 prior written authorization of the individual, and such written
32 authorization shall be required for each disclosure and shall
33 include the person to whom the disclosure is being made. The
34 bill expands the release of genetic information by an insurer
35 with respect to health insurance, life insurance, disability

1 insurance, or long-term care insurance.

2 Current law prohibits a health insurer, with respect to
3 health insurance, from discriminating against an individual or
4 a member of the individual's family on the basis of genetic
5 information or genetic testing. The bill prohibits the same
6 discrimination for life insurance, disability insurance, and
7 long-term care insurance.

8 Under current law, a health insurer is not required to
9 provide particular benefits, but shall not consider a genetic
10 propensity, susceptibility, or carrier status as a preexisting
11 condition for the purposes of health insurance. Under the
12 bill, the same applies to life insurance, disability insurance,
13 and long-term care insurance.

14 Current law prohibits a health insurer from using
15 genetic information or genetic testing for underwriting
16 health insurance in individual and group markets. The same
17 prohibition applies to an insurer of life insurance, disability
18 insurance, or long-term care insurance.