

Senate Bill No. 200

CHAPTER 408

An act to add and repeal Section 10233.1 of the Insurance Code, relating to long-term care insurance.

[Approved by Governor September 16, 2003. Filed with Secretary of State September 17, 2003.]

LEGISLATIVE COUNSEL'S DIGEST

SB 200, Murray. Long-term care insurance: genetic testing.

Existing law provides for the regulation of long-term care insurance by the Insurance Commissioner and the assessment of administrative penalties for the violation of these provisions.

This bill would prohibit, until January 1, 2008, a long-term care insurer from requiring testing for the presence of a genetic characteristic for insurability or underwriting purposes.

The people of the State of California do enact as follows:

SECTION 1. Section 10233.1 is added to the Insurance Code, to read:

10233.1. (a) On or after January 1, 2004, no long-term care insurer may require testing of an applicant on a voluntary or involuntary basis for the presence of a genetic characteristic for underwriting purposes or for the purpose of determining insurability.

(b) For the purposes of this section, a "genetic characteristic" means any scientifically or medically identifiable gene or chromosome, or alteration thereof, that is known to be a cause of a disease or disorder, or that is determined to be associated with a statistically increased risk of development of a disease or disorder, and that is presently not associated with any symptoms of any disease or disorder.

(c) For the purposes of this section, "testing for the presence of a genetic characteristic" means a laboratory test that is generally accepted in the scientific and medical communities for the determination of the presence or absence of a genetic characteristic.

(d) Nothing in this section shall prevent a long-term care insurer from conducting routine clinical physical examinations such as chemical, blood, or urine analyses, tests for unlawful drug use, or tests related to an existing disease, disorder, or pathological condition if these examinations are not used to conduct genetic testing.



(e) This section shall remain in effect only until January 1, 2008, and as of that date is repealed, unless a later enacted statute, that is enacted before January 1, 2008, deletes or extends that date.

