

**GENETIC TESTING FOR INSURANCE COVERAGE**

The date following each state indicates the last time information for the state was reviewed/changed.

STATE	CITATION	COVERAGE	PROVISIONS
AL (10/23)	§§ 27-53-1 to 27-53-4	Health benefit plans, including self-insured. Covers plans located outside state to the extent they cover AL residents or individuals that receive care in AL.	An insurer may not require as a condition of insurability that a person take a genetic test to determine if he or she has a predisposition for cancer or charge a different rate or provide a different level of coverage.
AK 10/23)	§ 21.54.100	Group health	May not establish rules for eligibility based on genetic information.
	§ 21.36.480	Health benefit plans	May not establish rules for eligibility based on genetic information.
AZ (10/23)	§§ 20-448 to 20-448.02	Life	It is an unfair trade practice to consider a genetic condition in determining rates, terms or conditions of a life or health insurance policy or to reject an application for coverage based on a genetic condition unless the applicant's medical history and condition and claims experience or actuarial projections establish that substantial differences in claims are likely to result from the genetic condition. In addition, rejection of an application or determination of rates, terms, or conditions of a disability insurance contract on basis of genetic condition constitutes unfair discrimination in the absence of the diagnosis of the condition related to the testing information. May not require a test without informed consent.
AR (10/23)	§ 23-66-320	Health except for long-term care insurance and disability income.	May not require an individual to obtain a genetic test. May not condition the provision of the policy on a genetic testing requirement.

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CA (10/23)	Ins. § 10140	Life and disability	May not seek information about genetic characteristics except for therapeutic purposes.
	Ins. §§ 10146 to 10149.1	Life and disability income insurance	May not require a test for the presence of a genetic characteristic for determining insurability other than for those policies that are contingent on review or testing for other diseases or medical conditions. Must obtain applicant's written informed consent for the test and pay for applicant's genetic test. May not discriminate in the fees of producers based on the results of genetic tests.
	Ins. § 742.405	MEWAs	May not decide whether to enroll a person or renew based on genetic characteristics. May not seek information about genetic characteristics except for therapeutic purposes.
	10 CCR § 2218.20	Life and disability income insurance	Gives language for genetic testing consent form to assure informed consent and confidentiality.
CO (10/23)	§ 10-3-1104.7	Group disability insurance, long-term care insurance	Must not use information from genetic tests to deny coverage. Must get specific, written, informed consent prior to release of any test results.
CT (10/23)	§ 38a-816	Individual and group health insurance coverage	It is an unfair trade practice to refuse to insure or to limit coverage or charge a different rate because of genetic information.
	§ 38a-833	Individual and group health insurance coverage	Nonconsensual acquisition or use of genetic information and required genetic testing are prohibited.
DE (10/23)	16 Del. C. §§ 1201 to 1208	All lines	Any person that wishes to perform a genetic test must obtain signed consent prior to testing. The form may also include authorization to disclose the information or a notice that the information will be available to individuals who have access to Electronic Medical Records (EMR) or to the Delaware Health Information Network.
	18 Del. C. § 2317	Health insurance, not including disability income insurance or long-term care insurance.	May not discriminate against any individual in the issuance, denial or renewal of or in fixing of rates, terms or conditions because of genetic information.
	18 Del. C. § 3611	Individual health insurance	May not establish rules for eligibility based on genetic information.
DC (10/23)	§ 31-3301.01	Health	Genetic information shall not be treated as a preexisting condition in the absence of a diagnosis of the condition related to such information.

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FL (10/23)	§§ 627.4301; 636.0201  § 641.31073  § 627.6561	Health  Health – HMOs that offer group insurance  Group, blanket, and franchise health insurance	May not require or solicit genetic information, use genetic tests or consider a person’s decisions or actions in regard to genetic testing for any insurance purpose.  HMOs offering group health insurance coverage may not establish rules on eligibility based on genetic information.  Must not use genetic information obtained from a test as a preexisting condition in the absence of a diagnosis of the condition related to such information.
GA (10/23)	§§ 33-54-1 to 33-54-8	Accident and sickness, health maintenance, managed care, and other payers	Prohibits use of any information obtained from genetic testing to deny access to health insurance. May not use information for any non-therapeutic purpose.
HI (10/23)	§§ 431:10A-118; 431:10A-404.5; 432D-26; 432:2-404.5	Accident and health insurance, sickness insurance, extended health insurance, HMOs, fraternal	May not use genetic information or request genetic services in denying or limiting coverage. Must not disclose genetic information without written consent.
ID (10/23)	§ 41-1313  §§ 41-2221; 41-3940; 41-4708	Life, annuities, and disability insurance  Group and blanket disability insurance, health benefit plans, managed care	No person shall discriminate on the basis of a genetic test or private genetic information.  Genetic information shall not be considered a preexisting condition in the absence of a diagnosis of the condition related to such information.
IL (10/23)	410 ILCS 513/20, referenced in 215 ILCS 5/356v	Accident and health	An insurer may not seek information derived from genetic testing or use the results of a genetic test in connection with a policy.
IN (10/23)	§§ 27-4-1-4; 27-8-26-1 to 27-8-26-11	Health (HMOs, accident and sickness, group and individual contracts, self-insurance, employee welfare benefit plans)	An insurer may not require an individual to submit to a test or use results of genetic testing in processing an application for coverage. May not ask questions designed to ascertain results of genetic testing. May consider results of genetic testing when voluntarily submitted by beneficiary or when results are favorable to beneficiary.
IA (10/23)	§ 513B.9A; IAC 191-35.24(509)	Group health	May not use genetic information in establishing rules for eligibility.

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KS (10/23)	§§ 40-2209; 40-2259	Health insurance (group sickness and accident)	Shall not require or request directly or indirectly any individual or member of family to obtain or reveal results of a genetic test. May not condition the provision of insurance or determine rates or any other aspect of insurance coverage or benefits provided to an individual or member of family if results of tests have been obtained. An insurer writing life, disability income, or long-term care insurance coverage that obtains genetic information shall not use the information in writing health insurance.
KY (10/23)	§ 304.12-085	Health	An insurer may not deny, cancel or refuse to renew benefits or coverage on the basis of genetic testing. May not request or require information on genetic testing.
LA (10/23)	§ 22:1023	Health	May not use any genetic information concerning an individual or family member's request for or receipt of genetic services or refusal to take a genetic test: reject, deny, limit, cancel, refuse to renew, increase the rates of, or otherwise affect a health insurance policy or contract.
	LAC 37:XIII.4501 to 37:XIII.4515	Health	Insurer may not seek genetic information from an insured or applicant without first obtaining written informed consent. May not use genetic information to restrict policy, cancel or refuse to renew coverage, or deny coverage. May not establish different premiums or otherwise discriminate.
ME (10/23)	24-A M.R.S.A. § 2159-C	Health, hospital and dental	May not discriminate on the basis of genetic information or the refusal to submit to a genetic test or in issuing, withholding, extending, or renewing hospital confinement or other health insurance, or in the issuance or acceptance of any application for insurance.
		Life, disability and long-term care	May not unfairly discriminate in the application of genetic information or genetic test results when issuing, withholding, extending or renewing an insurance policy for life, credit life, disability, long-term care, accidental injury, specified disease, hospital indemnity or credit accident insurance or an annuity. Where use of genetic test is allowed, the insurer must notify the subject that a test is required and obtain the subject's authorization. Where a genetic test is required, the insurer must ensure that the subject states in writing whether he or she wishes to be informed of the test results.

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MD (10/23)	Ins., § 27-909	Health (not life, annuities, long-term care, or disability policies)	May not use genetic test results, genetic information, or a request for genetic services to reject, deny, limit, cancel, refuse to renew, increase the rates of, or otherwise affect a health insurance policy or contract. Limits on disclosure. Does not apply to life insurance, annuities, long-term care insurance, or disability insurance.
	Ins., § 18-120	Long-term care	A carrier or insurance producer of a carrier that provides long-term care insurance may not request or require a genetic test, or use a genetic test, the results of a genetic test, genetic information, or a request for genetic services to deny or limit the amount, extent, or kind of long-term care insurance coverage available to an individual; or charge a different rate for the same long-term care insurance.
MA (10/23)	M.G.L.A. 175 § 108H; M.G.L.A. 176A § 3B; M.G.L.A. 176B § 5B; M.G.L.A. 176G § 24; M.G.L.A. 176I § 4A	Health insurance, life, disability, long-term care, medical service plan, HMO, preferred providers	May not practice unfair discrimination because of genetic test results. Unfair discrimination includes cancellation, refusal to issue or renew, increase of rate, restrictions unless based on sound actuarial principles or reliable information relating to the insured's mortality or morbidity. May not require a genetic test as a condition of the issuance or renewal of a policy or require a response to questions concerning genetic testing.
MI (10/23)	§ 550.1401	Health Care Corporations	May not require applicants or members to undergo genetic testing before issuing, renewing, or continuing a health care corporation certificate. May not require applicants or members to disclose whether prior genetic testing has been conducted or the results of prior genetic testing.
MN (10/23)	§ 72A.139	Health	Health plan companies may not require a genetic test or consider the results of a test, or consider a refusal to take a genetic test, or consider the results of a genetic test taken by a blood relative of the applicant in determining eligibility for health insurance coverage, establishing premiums, limiting coverage, renewing coverage, or other underwriting decisions.
		Life	Life insurers and fraternal benefit societies may not require an individual to take a genetic test unless the insurance company pays for the test. Must obtain written, informed consent, which shall suggest that the individual consider meeting with a genetic counselor.

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MS (10/23)	MS ADC 19-3-10.24	Medicare supplement plans	Shall not condition issuance of policy on basis of genetic information; shall not discriminate in pricing based on genetic information. Shall not request genetic testing of an individual or a family member. May test with proper consent.
MO (10/23)	§§ 375.1300 to 375.1312	Health	May not inquire whether applicant has taken or refused a genetic test. May not consider the results of a genetic test or the results of genetic test taken by a blood relative. May not base rates on the fact that a person has taken a test or on any test results.
MT (10/23)	§ 33-18-206  §§ 33-18-901 to 33-18-904	All lines  Health; does not apply to life, disability income or long-term care insurance.	The rejection of an application or determination of rates based on a genetic condition is unfair discrimination unless the applicant's medical condition and history and either claims experience or actuarial projections establish that substantial differences in claims are likely to result from the genetic condition.  It is an unfair trade practice to refuse to issue a policy or to change a higher rate based on genetic traits. May not require genetic testing of an individual or condition coverage on genetic information about a person's family members. May not discriminate on the commissions paid to producers based on genetic traits.
NE (10/23)	§§ 44-7,100; 44-5246.02; 44-6915	Life, sickness, accident, small employer and group health plans	May not require a covered person or dependent to undergo any genetic test before issuing, renewing, or continuing the policy or certificate. May not use genetic information as a preexisting condition for purposes of exclusion from coverage.
NV (10/23)	§§ 689C.198; 689A.417; 689A.585; 689B.069; 689B.550; 689C.082; 689C.193; 695B.317; 695C.207	Health (not disability income, long-term care)	May not require an enrollee to take a genetic test or disclose whether he has taken a test. May not base rates on genetic information from the enrollee or enrollee's family. Must not establish rules of eligibility including applicable waiting periods based on genetic information. Genetic information may not be used as a preexisting condition without the diagnosis of a condition related to the information.
NH (10/23)	§§ 141-H:1 to 141-H:6; 420-G:6 to 420-G:7	Health; does not apply to life, disability income or long-term care insurance.	May not require genetic testing or condition provision of health insurance on results of a genetic test. Must not require or request disclosure of prior genetic testing or the results of testing if undergone by enrollee or enrollee's family. May not consider genetic testing in determination of rates. May not treat genetic information as a condition subject to a preexisting condition exclusion period in the absence of a diagnosis of the condition relating to such information.

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NJ (10/23)	§ 17B:30-12	Limited benefit plans, life insurance, annuities, disability income, credit life or accident	May not unfairly discriminate on the basis of genetic information or the refusal to submit to a genetic test or make available the results of a genetic test in the issuance, withholding, extension or renewal of any hospital benefit confinement or other supplemental limited benefit insurance. May not permit unfair discrimination in the application of genetic test results in the issuance, withholding, extension or renewal of a life insurance policy.
	§§ 17:48-6.18; 17:48A-6.11; 17B:26-3.2; 17B:27-36.2	Health	May not exclude an individual or establish rates on the basis of an actual or expected health condition or on the basis of any genetic characteristic.
NM (10/23)	§§ 24-21-1 to 24-21-7	Health	May not obtain genetic information or samples for genetic analysis without informed written consent. May not discriminate on basis of genetic information.
		Life, disability income, long-term care	Not applicable to life, disability, or long-term care insurance if the use of genetic information by those carriers is based on sound actuarial principles or related to actual or reasonably anticipated experience.
NY (10/23)	Ins. Law § 2615	All lines	Insurer may not test without written informed consent of applicant. Standards for information to include in consent form. May not infer possible genetic status of non-consenting individual.
NC (10/23)	§ 58-3-215	Health	May not raise premiums or contribution rates paid by a group for a group health benefit plan on the basis of genetic information. May not refuse to issue a policy because of genetic information obtained about any person to be insured by the health benefit plan or charge higher rates.
	§ 58-68-35	Group health	Group health insurer must not establish rules of eligibility, including continued eligibility of an individual to enroll under the terms of a health plan based on genetic information.
ND (10/23)	§§ 26.1-36.3-06; 26.1-36.4-03.1; NDAC 45-06-07-05	Health	May not treat genetic information as a preexisting condition in the absence of a diagnosis of a condition related to such information.

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OH (10/23)	§§ 3901.491; 3901.501; 1751.65	Health	May not use genetic information to restrict policy, cancel or refuse to renew coverage, or deny coverage.
OK (10/23)	36 Okl. St. Ann. §§ 3614.1; 4502	Health, but not including disability income or long-term care insurance.	May not require an applicant or insured or family member to submit to a genetic test. Must not condition the provision of a policy on a genetic test requirement. Group health benefit plans must not consider genetic information as a preexisting condition.
OR (10/23)	§ 746.135      OAR 836-051-0700	All lines   Hospital or medical expense coverage   Life, individual and group, annuities	Must obtain informed consent before testing DNA. May not use genetic information about a blood relative to reject, deny, limit, cancel, refuse to renew, increase the rates of, affect the terms and conditions of or otherwise affect any policy of insurance.   May not use genetic information to reject, deny, limit, cancel, refuse to renew, increase the rates, or otherwise affect any policy covering hospital or medical expenses.  A person who asks an applicant to take a genetic test in connection with an application must use the form attached to the regulation or a form that is substantively similar.
PA (10/23)	31 Pa. Code § 89.791	Medicare supplement policies	May not use or request genetic information of the individual or a family member. May not be considered a preexisting condition.
PR (10/23)	Ruling N-AV-10-90-97	Health	Genetic information would not be considered a preexisting condition in the absence of a diagnosis of the condition related to the genetic information.
RI (10/23)	§§ 27-18-52 to 27-18-52.1; 27-19-44 to 27-19-44.1; 27-20-39 to 27-20-39.1; 27-41-53 to 27-41-53.1	Health	May not use a genetic test or request a genetic test or the results of a genetic test to reject, deny, limit, cancel, refuse to renew, or increase rates for health insurance. May not ask whether an individual has had a genetic test. May not request or require information as to whether an individual has ever had a genetic test or participated in genetic testing of any kind.



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SC (10/23)	§§ 38-93-10 to 38-93-90	Health	May not terminate, restrict, limit or apply conditions to coverage; cancel or refuse to renew coverage of an individual; exclude an individual from coverage; require inclusion of a rider that excludes coverage for certain benefits and services; or establish differential in premium rates for coverage on the basis of any genetic information obtained. Must not discriminate in the fees or commissions of a producer for an enrollment, subscription, or renewal on the basis of a person's genetic characteristics.
SD (10/23)	§ 58-17-84 § 34-14-22 §§ 58-1-24 to 58-1-25 § 58-18B-27	Health All lines (medical research) Health Small employer health benefit plan	Genetic information may not be considered a preexisting condition.  Must obtain informed consent before performing a predictive genetic test. Specified disclosures included.  May not require an individual or blood relative of the individual to take a genetic test. May not take into consideration a genetic test refusal.  May not establish rules for eligibility for any individual to enroll under a plan including continued eligibility, based on genetic information.
TN (10/23)	§§ 56-7-2702 to 56-7-2704; 56-7-2804	Health	Insurer may not deny or cancel health insurance or vary conditions or premiums because the individual has requested or received genetic services. Group health plans may not establish rules for eligibility or continued eligibility based on genetic information.
TX (10/23)	T.I.C. §§ 546.001 to 546.152	Health (not long-term care, motor vehicle medical payment insurance, Medicare supplement plans, worker's compensation, and health plans that cover certain specific events)	A health plan that requests an applicant to submit to genetic testing must obtain written informed consent. Group health benefit plan may not use genetic testing information to reject, deny, limit, cancel, refuse to renew or increase premiums for health insurance. May not use results of a genetic test as an inducement for the purchase of coverage. Individual tested has the right to know the results of the test. Confidentiality requirements. May ask for authorization to disclose information. (Disclosures and confidentiality provisions apply to policies issued 1/1/06 or later.)

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UT (10/23)	§§ 26-45-101 to 26-45-106; 31A-22-1601 to 31A-22-1602	Health	Insurer may not, in connection with the offer or renewal of an insurance product or in the determination of premiums, coverage, renewal, cancellation or any other underwriting decision, access or take into consideration private genetic information about an asymptomatic individual. May not request or require asymptomatic individual or that individual's relatives to submit to genetic testing; may not take into consideration a refusal to submit to genetic testing.
VT (10/23)	8 V.S.A. § 4724	All lines	May not engage in unfair discrimination by conditioning insurance rates, the provision of renewal of insurance coverage, or other conditions of insurance based on medical information, including the results of genetic testing, where there is no relationship between the medical information and the costs of the insurance risk the insurer would assume by insuring the proposed insured.
VI (10/23)	No provision		
VA (10/23)	§ 38.2-508.4	Health	Insurer may not terminate, restrict, limit or otherwise apply conditions on coverage of an individual; cancel or refuse to renew; exclude; impose a waiting period; or establish a different rate for coverage on the basis of genetic information. May not discriminate in payment of fees and commissions to producers based on genetic information.
WA (10/23)	WAC 284-66-071	Medicare supplement	Genetic information shall not be treated as a preexisting health condition in the absence of a diagnosis of the condition related to such information.
WV (10/23)	§ 33-16-3k	Group health	Genetic information may not be used as a preexisting condition.
WI (10/23)	§§ 631.89; 632.748	Health	Health coverage insurer may not require or request genetic testing. May not condition the provision of insurance coverage or health care benefits on whether a genetic test has been performed or on what the test results are. May not use genetic testing to determine rates or attempt to discover whether genetic testing has occurred.
		Life and income continuation insurance coverage	Life or income continuation insurers must provide for rates reasonably related to the risk involved.

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WY (10/23)	§§ 26-19-107; 26-19-306	Group and blanket disability, small employer health	May not use genetic information to deny eligibility, adjust premium rates and contribution rates. May not request or require predictive genetic testing information concerning an individual or a family member. May request, but not require predictive genetic testing information if needed for diagnosis, treatment or payment.

This chart does not constitute a formal legal opinion by the NAIC staff on the provisions of state law and should not be relied upon as such. Every effort has been made to provide correct and accurate summaries to assist the reader in targeting useful information. For further details, the statutes and regulations cited should be consulted. The NAIC attempts to provide current information; however, readers should consult state law for additional adoptions.