

2022 -- H 7880

LC005279

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2022

A N A C T

RELATING TO INSURANCE -- ACCIDENT AND SICKNESS INSURANCE POLICIES

Introduced By: Representatives Tanzi, Felix, McGaw, Ajello, Batista, Donovan, Ranglin-Vassell, Shallcross Smith, and Cortvriend

Date Introduced: March 04, 2022

Referred To: House Health & Human Services

It is enacted by the General Assembly as follows:

1 SECTION 1. Section 27-18-52 of the General Laws in Chapter 27-18 entitled "Accident  
2 and Sickness Insurance Policies" is hereby amended to read as follows:

3 **27-18-52. Genetic testing.**

4 (a) Except as provided in chapter 37.3 of title 5, insurance administrators, health plans and  
5 providers shall be prohibited from releasing genetic information without prior written authorization  
6 of the individual. Written authorization shall be required for each disclosure and include to whom  
7 the disclosure is being made. An exception shall exist for those participating in research settings  
8 governed by the Federal Policy for the Protection of Human Research Subjects (also known as "The  
9 Common Rule"). Tests conducted purely for research are excluded from the definition, as are tests  
10 for somatic (as opposed to heritable) mutations, and testing for forensic purposes.

11 (b) No individual or group health insurance contract, plan, or policy delivered, issued for  
12 delivery, or renewed in this state which provides health insurance medical coverage that includes  
13 coverage for physician services in a physician's office, and every policy which provides major  
14 medical or similar comprehensive-type coverage excluding disability income, long term care and  
15 insurance supplemental policies which only provide coverage for specified diseases or other  
16 supplemental policies, shall:

17 (1) Use a genetic test or request for genetic tests or the results of a genetic test to reject,  
18 deny, limit, cancel, refuse to renew, increase the rates of, affect the terms or conditions of, or affect  
19 a group or an individual health insurance policy, contract, or plan;

1 (2) Request or require a genetic test for the purpose of determining whether or not to issue  
2 or renew an individual's health benefits coverage, to set reimbursement/co-pay levels or determine  
3 covered benefits and services;

4 (3) Release the results of a genetic test without the prior written authorization of the  
5 individual from whom the test was obtained, except in a format whereby individual identifiers are  
6 removed, encrypted, or encoded so that the identity of the individual is not disclosed. A recipient  
7 of information pursuant to this section may use or disclose this information solely to carry out the  
8 purpose for which the information was disclosed. Authorization shall be required for each  
9 redisclosure; an exception shall exist for participating in research settings governed by the Federal  
10 Policy for the Protection of Human Research Subjects (also known as "The Common Rule").

11 (4) Request or require information as to whether an individual has ever had a genetic test,  
12 or participated in genetic testing of any kind, whether for clinical or research purposes.

13 (c) For the purposes of this section, "genetic testing" is the analysis of an individual's DNA,  
14 RNA, chromosomes, proteins and certain metabolites in order to detect heritable disease-related  
15 genotypes, mutations, phenotypes or karyotypes for clinical purposes. Those purposes include  
16 predicting risk of disease, identifying carriers, establishing prenatal and clinical diagnosis or  
17 prognosis. Prenatal, newborn and carrier screening, as well as testing in high risk families may be  
18 included provided there is an approved release by a parent or guardian. Tests for metabolites are  
19 covered only when they are undertaken with high probability that an excess of deficiency of the  
20 metabolite indicates the presence of heritable mutations in single genes. "Genetic testing" does not  
21 mean routine physical measurement, a routine chemical, blood, or urine analysis or a test for drugs  
22 or for HIV infections.

23 [\(d\) For the purposes of this section, "genetic testing" includes at-home genetic test kits.](#)

24 SECTION 2. Section 27-19-44 of the General Laws in Chapter 27-19 entitled "Nonprofit  
25 Hospital Service Corporations" is hereby amended to read as follows:

26 **27-19-44. Genetic testing.**

27 (a) Except as provided in chapter 37.3 of title 5, insurance administrators, health plans and  
28 providers shall be prohibited from releasing genetic information without prior written authorization  
29 of the individual. Written authorization shall be required for each disclosure and include to whom  
30 the disclosure is being made. An exception shall exist for those participating in research settings  
31 governed by the federal policy for the protection of human research subjects (also known as "The  
32 Common Rule"). Tests conducted purely for research are excluded from the definition, as are tests  
33 for somatic (as opposed to heritable) mutations, and testing for forensic purposes.

34 (b) No nonprofit health service corporation subject to the provisions of this chapter shall:

1 (1) Use a genetic test or request for a genetic test or the results of a genetic test or other  
2 genetic information to reject, deny, limit, cancel, refuse to renew, increase the rates of, affect the  
3 terms or conditions of, or affect a group or an individual's health insurance policy, contract, or plan;

4 (2) Request or require a genetic test for the purpose of determining whether or not to issue  
5 or renew a group, individual health benefits coverage to set reimbursement/co-pay levels or  
6 determine covered benefits and services;

7 (3) Release the results of a genetic test without the prior written authorization of the  
8 individual from whom the test was obtained, except in a format by which individual identifiers are  
9 removed, encrypted, or encoded so that the identity of the individual is not disclosed. A recipient  
10 of information pursuant to this section may use or disclose the information solely to carry out the  
11 purpose for which the information was disclosed. Authorization shall be required for each  
12 redisclosure. An exception shall exist for participation in research settings governed by the federal  
13 policy for the protection of human research subjects (also known as "The Common Rule");

14 (4) Request or require information as to whether an individual has ever had a genetic test,  
15 or participated in genetic testing of any kind, whether for clinical or research purposes.

16 (c) For the purposes of this section, "genetic testing" is the analysis of an individual's DNA,  
17 RNA, chromosomes, proteins and certain metabolites in order to detect heritable disease-related  
18 genotypes, mutations, phenotypes or karyotypes for clinical purposes. These purposes include  
19 predicating risk of disease, identifying carriers, establishing prenatal and clinical diagnosis or  
20 prognosis. Prenatal, newborn and carrier screening, as well as testing in high risk families may be  
21 included provided there is an approved release by a parent or guardian. Tests for metabolites are  
22 covered only when they are undertaken with high probability that an excess or deficiency of the  
23 metabolite indicates the presence of heritable mutations in single genes. "Genetic testing" does not  
24 mean routine physical measurement, a routine chemical, blood, or urine analysis, or a test for drugs  
25 or for HIV infection.

26 [\(d\) For the purposes of this section, "genetic testing" includes at-home genetic test kits.](#)

27 SECTION 3. Section 27-20-39 of the General Laws in Chapter 27-20 entitled "Nonprofit  
28 Medical Service Corporations" is hereby amended to read as follows:

29 **27-20-39. Genetic testing.**

30 (a) Except as provided in chapter 37.3 of title 5, insurance administrators, health plans and  
31 providers shall be prohibited from releasing genetic information without prior written authorization  
32 of the individual. Written authorization shall be required for each disclosure and include to whom  
33 the disclosure is being made. An exception shall exist for those participating in research settings  
34 governed by the federal policy for the protection of human research subjects (also known as "The

1 Common Rule"). Tests conducted purely for research are excluded from the definition, as are tests  
2 for somatic (as opposed to heritable) mutations, and testing for forensic purposes.

3 (b) No nonprofit health insurer subject to the provisions of this chapter shall:

4 (1) Use a genetic test or request for a genetic test or the results of a genetic test to reject,  
5 deny, limit, cancel, refuse to renew, increase the rates of, affect the terms or conditions of, or affect  
6 a group or individual's health insurance policy, contract, or plan;

7 (2) Request or require a genetic test for the purpose of determining whether or not to issue  
8 or renew health benefits coverage, to set reimbursement/co-pay levels or determine covered  
9 benefits and services;

10 (3) Release the results of a genetic test without the prior written authorization of the  
11 individual from whom the test was obtained, except in a format by which individual identifiers are  
12 removed, encrypted, or encoded so that the identity of the individual is not disclosed. A recipient  
13 of information pursuant to this section may use or disclose the information solely to carry out the  
14 purpose for which the information was disclosed. Authorization shall be required for each  
15 redisclosure. An exception shall exist for participation in research settings governed by the federal  
16 policy for the protection of human research subjects (also known as "The Common Rule"); or

17 (4) Request or require information as to whether an individual has ever had a genetic test,  
18 or participated in genetic testing of any kind, whether for clinical or research purposes.

19 (c) For the purposes of this section, "genetic testing" is the analysis of an individual's DNA,  
20 RNA, chromosomes, proteins and certain metabolites in order to detect heritable disease-related  
21 genotypes, mutations, phenotypes or karyotypes for clinical purposes. Those purposes include  
22 predicting risk of disease, identifying carriers, establishing prenatal and clinical diagnosis or  
23 prognosis. Prenatal, newborn and carrier screening, as well as testing in high risk families may be  
24 included provided there is an approved release by a parent or guardian. Tests for metabolites are  
25 covered only when they are undertaken with high probability that an excess or deficiency of the  
26 metabolite indicates the presence of heritable mutations in single genes. "Genetic testing" does not  
27 mean routine physical measurement, a routine chemical, blood, or urine analysis or a test for drugs  
28 or for HIV infections.

29 [\(d\) For the purposes of this section, "genetic testing" includes at-home genetic test kits.](#)

30 SECTION 4. Section 27-41-53 of the General Laws in Chapter 27-41 entitled "Health  
31 Maintenance Organizations" is hereby amended to read as follows:

32 **27-41-53. Genetic testing.**

33 (a) Except as provided in chapter 37.3 of title 5, insurance administrators, health plans and  
34 providers shall be prohibited from releasing genetic information without prior written authorization

1 of the individual. Written authorization shall be required for each disclosure and include to whom  
2 the disclosure is being made. An exception shall exist for those participating in research settings  
3 governed by the federal policy for the protection of human research subjects (also known as "The  
4 Common Rule"). Tests conducted purely for research are excluded from the definition, as are tests  
5 for somatic (as opposed to heritable) mutations, and testing for forensic purposes.

6 (b) No health maintenance organization subject to the provisions of this chapter shall:

7 (1) Use a genetic test or request for genetic test the results of a genetic test to reject, deny,  
8 limit, cancel, refuse to renew, increase the rates of, affect the terms or conditions of, or affect a  
9 group or an individual's health insurance policy contract, or plan;

10 (2) Request or require a genetic test for the purpose of determining whether or not to issue  
11 or renew an individual's health benefits coverage, to set reimbursement/co-pay levels or determine  
12 covered benefits and services;

13 (3) Release the results of a genetic test without the prior written authorization of the  
14 individual from whom the test was obtained, except in a format where individual identifiers are  
15 removed, encrypted, or encoded so that the identity of the individual is not disclosed. A recipient  
16 of information pursuant to this section may use or disclose the information solely to carry out the  
17 purpose for which the information was disclosed. Authorization shall be required for each re-  
18 disclosure. An exception shall exist for participation in research settings governed by the federal  
19 policy for the protection of human research subjects (also known as "The Common Rule"); or

20 (4) Request or require information as to whether an individual has ever had a genetic test,  
21 or participated in genetic testing of any kind, whether for clinical or research purposes.

22 (c) For the purposes of this section, "genetic testing" is the analysis of an individual's DNA,  
23 RNA, chromosomes, protein and certain metabolites in order to detect heritable inheritable disease-  
24 related genotypes, mutations, phenotypes or karyotypes for clinical purposes. Those purposes  
25 include predicting risk of disease, identifying carriers, establishing prenatal and clinical diagnosis  
26 or prognosis. Prenatal, newborn and carrier screening, and testing in high risk families may be  
27 included provided there is an approved release by a parent or guardian. Tests for metabolites are  
28 covered only when they are undertaken with high probability that an excess or deficiency of the  
29 metabolite indicates the presence of heritable mutations in single genes. "Genetic testing" does not  
30 mean routine physical measurement, a routine chemical, blood, or urine analysis or a test for drugs  
31 or for HIV infections.

32 (d) For the purposes of this section, "genetic testing" includes at-home genetic test kits.

1 SECTION 5. This act shall take effect upon passage.

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EXPLANATION  
BY THE LEGISLATIVE COUNCIL  
OF  
A N A C T  
RELATING TO INSURANCE -- ACCIDENT AND SICKNESS INSURANCE POLICIES

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1           This act would refine the current law so that the prohibition against denial of insurance  
2 coverage and for increased rates for person undergoing genetic testing will include at home genetic  
3 testing.

4           This act would take effect upon passage.

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