HOUSE BILL NO. 530

INTRODUCED BY BROOKE, WHALEN, STICKNEY, DRISCOLL, COCCHIARELLA, HARRINGTON, MENAHAN, SQUIRES, COHEN, M. HANSON, HAGER

	IN THE HOUSE
FEBRUARY 1, 1991	INTRODUCED AND REFERRED TO COMMITTEE ON HUMAN SERVICES & AGING.
	FIRST READING.
FEBRUARY 19, 1991	COMMITTEE RECOMMEND BILL DO PASS AS AMENDED. REPORT ADOPTED.
FEBRUARY 20, 1991	PRINTING REPORT.
FEBRUARY 25, 1991	SECOND READING, DO PASS.
FEBRUARY 26, 1991	ENGROSSING REPORT.
	THIRD READING, PASSED. AYES, 84; NOES, 14.
	TRANSMITTED TO SENATE.
	IN THE SENATE
FEBRUARY 26, 1991	INTRODUCED AND REFERRED TO COMMITTEE ON BUSINESS & INDUSTRY.
	FIRST READING.
MARCH 18, 1991	COMMITTEE RECOMMEND BILL BE CONCURRED IN. REPORT ADOPTED.
MARCH 20, 1991	SECOND READING, CONCURRED IN.
MARCH 21, 1991	THIRD READING, CONCURRED IN. AYES, 49; NOES, 0.
	RETURNED TO HOUSE.
	IN THE HOUSE
MARCH 22, 1991	RECEIVED FROM SENATE.
	SENT TO ENROLLING.

REPORTED CORRECTLY ENROLLED.

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1	Hause BILL NO. 320
2	INTRODUCED BY Bruke Whalen Chil
3	Carellanda Harrogla Mendren square
4	A BILL FOR AN ACT ENTITLED: "AN ACT TO PROHIBIT HEALTH AND
5	LIFE INSURERS, HEALTH SERVICE CORPORATIONS, AND HEALTH
6	MAINTENANCE ORGANIZATIONS FROM EXCLUDING COVERAGE OR
7	MEMBERSHIP TO ANY PERSON ON THE BASIS OF GENETIC CONDITION,
8	DEVELOPMENTAL DELAY, OR DEVELOPMENTAL DISABILITY; AND
9	PROVIDING AN APPLICABILITY DATE."
10	
11	BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:
12	NEW SECTION. Section 1. Discrimination on basis of
13	genetic condition, developmental delay, or developmental
14	disability prohibited. (1) An individual or group disability
15	health or life insurance policy, certificate of health or
16	life insurance, or membership contract that is delivered,
17	issued for delivery, renewed, extended, or modified in this
18	state by an insurer, health service corporation, or health
19	maintenance organization may not exclude coverage or
20	membership to any person on the basis of genetic condition,
21	developmental delay, or developmental disability.
22	(2) As used in this section, the following definitions
23	apply:

(a) "Developmental delay" means a delay of at least

1 1/2 standard deviations from the norm.

- (b) "Developmental disability" means the same as defined in 53-20-202.
- 3 (c) "Genetic condition" means a specific chromosomal or4 single-gene genetic condition.
- 5 NEW SECTION. Section 2. Codification instruction.
- 6 [Section 1] is intended to be codified as an integral part
- 7 of Title 33, and the provisions of Title 33 apply to
- 3 [section 1].
- 9 NEW SECTION. Section 3. Applicability. [This act]
- 10 applies to health or life insurance policies or contracts
- 11 delivered, issued for delivery, or renewed in this state on
- or after October 1, 1991.

-End-

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APPROVED BY COMM. ON HUMAN SERVICES AND AGING

1	HOUSE BILL NO. 930
2	INTRODUCED BY BROOKE, WHALEN, STICKNEY, DRISCOLL,
3	COCCHIARELLA, HARRINGTON, MENAHAN, SQUIRES, COHEN,
4	M. HANSON, HAGER
5	
6	A BILL FOR AN ACT ENTITLED: "AN ACT TO PROHIBIT HEALTH
7	DISABILITY AND LIFE INSURERS, HEALTH-SERVICE-CORPORATIONS,
8	AND-HEALTH-MAINTENANCE-ORGANIEATIONS FROM EXCLUDING COVERAGE
9	OR-MEMBERSHIP TO OR REPUSING TO CONSIDER AN APPLICATION FOR
10	INSURANCE COVERAGE FROM ANY PERSON ON THE BASIS OF GENETIC
11	CONDITION, DEVELOPMENTAL DELAY, OR DEVELOPMENTAL DISABILITY;
L 2	TO DEFINE UNLAWFUL DISCRIMINATION IN THE APPLICATION OF
13	INSURANCE RATES OR TERMS OR IN THE ISSUANCE OF AN INSURANCE
14	POLICY; TO DEFINE TERMS; AMENDING SECTION 33-18-206, MCA;
15	AND PROVIDING AN APPLICABILITY DATE."
16	
17	BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:
18	NEW-SECTION: Section-1: Discrimination on basis of
19	genetic-condition; developmentaldelay; or developmental
20	disability-prohibited(1)-An-individual-or-group-disability
21	healthorlifeinsurance-policy,-certificate-of-health-or
22	life-insurance;-or-membership-contractthatisdelivered;
23	issuedfor-delivery;-renewed;-extended;-or-modified-in-this
24	state-by-an-insurer;-health-service-corporation;orhealth
25	maintenanceorganizationmaynotexcludecoverageor



1	membershipto-any-person-on-the-basis-of-genetic-condition;
2	developmental-delay,-or-developmental-disability-
3	(2)As-used-in-this-section,-the-followingdefinitions
4	apply:
5	ta)"Bevelopmentaldelay"meansadelay-of-at-least
6	1-1/2-standard-deviations-from-the-norm-
7	tbBevelopmentaldisabilitymeansthesameas
8	defined-in-53-20-202-
9	<pre>fc;"Genetic-condition"-means-a-specific-chromosomal-or</pre>
LO	single-gene-genetic-condition:
11	NEW-SECTION: Section-2: Codificationinstruction
12	{Section1}is-intended-to-be-codified-as-an-integral-part
13	of-Title-337~-andtheprovisionsofTitle33applyto
L 4	{section-l}:
15	SECTION 1. SECTION 33-18-206, MCA, IS AMENDED TO READ:
16	"33-18-206. Unfair discrimination prohibited life
٦.	insurance, annuities, and disability insurance. (1) No
8.	person shall make or permit any unfair discrimination
.9	between individuals of the same class and equal expectation
90	of life in the rates charged for any contract of life
21	insurance or of life annuity or in the dividends or other
22	benefits payable thereon or in any other of the terms and
23	conditions of such contract.
24	(2) No person shall make or permit any unfair

discrimination between individuals of the same class and of

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SECOND READING

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l	essentially the same hazard in the amount of premium, policy
2	fees, or rates charged for any policy or contract of
3	disability insurance or in the benefits payable thereunder
4	or in any of the terms or conditions of such contract or in
5	any other manner whatever.

- 6 (3) An insurer may not refuse to consider an
 7 application for life or disability insurance on the basis of
 8 a genetic condition, developmental delay, or developmental
 9 disability.
- 10 (4) The rejection of an application or the determining 11 of rates, terms, or conditions of a life or disability 12 insurance contract on the basis of genetic condition, 13 developmental delay, or developmental disability constitutes 14 unfair discrimination unless the applicant's medical 15 condition and history and either claims experience or 16 actuarial projections establish that substantial differences 17 in claims are likely to result from the genetic condition, 18 developmental delay, or developmental disability.
- 19 (5) As used in this section, the following definitions
 20 apply:
- 21 (a) "Developmental delay" means a delay of at least
 22 1 1/2 standard deviations from the norm.
- 23 (b) "Developmental disability" means the singular of 24 developmental disabilities as defined in 53-20-202.
- 25 (c) "Genetic condition" means a specific chromosomal or

- single-gene genetic condition."
- 2 NEW SECTION. Section 2. Applicability. [This act]
- 3 applies to health DISABILITY or life insurance policies or
- 4 contracts APPLIED FOR, delivered, issued for delivery, or
- 5 renewed in this state on or after October 1, 1991.

-End-

HB 530

2	INTRODUCED BY BROOKE, WHALEN, STICKNEY, DRISCOLL,
3	COCCHIARELLA, HARRINGTON, MENAHAN, SQUIRES, COHEN,
4	M. HANSON, HAGER
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7	DISABILITY AND LIFE INSURERS, -HEALTH-SERVICE-CORPORATIONS,
8	AND-HEALTH-MAINTENANCE-ORGANISATIONS FROM EXCLUDING COVERAGE
9	OR-MEMBERSHIP TO OR REFUSING TO CONSIDER AN APPLICATION FOR
10	INSURANCE COVERAGE FROM ANY PERSON ON THE BASIS OF GENETIC
11	CONDITION, DEVELOPMENTAL DELAY, OR DEVELOPMENTAL DISABILITY;
12	TO DEFINE UNLAWFUL DISCRIMINATION IN THE APPLICATION OF
13	INSURANCE RATES OR TERMS OR IN THE ISSUANCE OF AN INSURANCE
14	POLICY; TO DEFINE TERMS; AMENDING SECTION 33-18-206, MCA;
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2	developmental-delayy-or-developmental-disability-
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6	1-1/2-standard-deviations-from-the-norm-
7	(b)*Developmentaldisability*meansthesamea
8	defined-in-53-20-202+
9	<pre>fc}*Genetic-condition*-means-a-specific-chromosomal-o</pre>
10	single-gene-genetic-condition;
11	NEW-SECTION: Section-2: Codificationinstruction
12	{Sectioni}is-intended-to-be-codified-as-an-integral-par
13	of-Title-33,andtheprovisionsofTitle33applyt
14	fsection-1}7
15	SECTION 1. SECTION 33-18-206, MCA, IS AMENDED TO READ
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22	benefits payable thereon or in any other of the terms an
23	conditions of such contract.

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THIRD READING

- essentially the same hazard in the amount of premium, policy
 fees, or rates charged for any policy or contract of
 disability insurance or in the benefits payable thereunder
 or in any of the terms or conditions of such contract or in
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- 6 (3) An insurer may not refuse to consider an
 7 application for life or disability insurance on the basis of
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REFERENCE BILL

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