

1 *House* BILL NO. *530*
 2 INTRODUCED BY *Bruce Whalen*
 3 *Casilda Harms* *Mendon*
 4 *M. Heger*

5 A BILL FOR AN ACT ENTITLED: "AN ACT TO PROHIBIT HEALTH AND
 6 LIFE INSURERS, HEALTH SERVICE CORPORATIONS, AND HEALTH
 7 MAINTENANCE ORGANIZATIONS FROM EXCLUDING COVERAGE OR
 8 MEMBERSHIP TO ANY PERSON ON THE BASIS OF GENETIC CONDITION,
 9 DEVELOPMENTAL DELAY, OR DEVELOPMENTAL DISABILITY; AND
 10 PROVIDING AN APPLICABILITY DATE."

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:

24 (a) "Developmental delay" means a delay of at least
 25 1 1/2 standard deviations from the norm.

1 (b) "Developmental disability" means the same as
 2 defined in 53-20-202.

3 (c) "Genetic condition" means a specific chromosomal or
 4 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
 8 [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
 12 or after October 1, 1991.

-End-

APPROVED BY COMM. ON HUMAN SERVICES AND AGING

HOUSE BILL NO. 530

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

A BILL FOR AN ACT ENTITLED: "AN ACT TO PROHIBIT HEALTH DISABILITY AND LIFE INSURERS, HEALTH SERVICE CORPORATIONS, AND HEALTH MAINTENANCE ORGANIZATIONS FROM EXCLUDING COVERAGE OR MEMBERSHIP TO OR REFUSING TO CONSIDER AN APPLICATION FOR INSURANCE COVERAGE FROM ANY PERSON ON THE BASIS OF GENETIC CONDITION, DEVELOPMENTAL DELAY, OR DEVELOPMENTAL DISABILITY; TO DEFINE UNLAWFUL DISCRIMINATION IN THE APPLICATION OF INSURANCE RATES OR TERMS OR IN THE ISSUANCE OF AN INSURANCE POLICY; TO DEFINE TERMS; AMENDING SECTION 33-18-206, MCA; AND PROVIDING AN APPLICABILITY DATE."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

NEW SECTION: Section 1. Discrimination on basis of genetic condition, developmental delay, or developmental disability prohibited. (1) An individual or group disability health or life insurance policy, certificate of health or life insurance, or membership contract that is delivered, issued for delivery, renewed, extended, or modified in this state by an insurer, health service corporation, or health maintenance organization may not exclude coverage or

membership to any person on the basis of genetic condition, developmental delay, or developmental disability.

(2) As used in this section, the following definitions 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.

(c) "Genetic condition" means a specific chromosomal or single gene genetic condition.

NEW SECTION: Section 2. Codification instruction. Section 1 is intended to be codified as an integral part of Title 33, and the provisions of Title 33 apply to section 1.

SECTION 1. SECTION 33-18-206, MCA, IS AMENDED TO READ:

33-18-206. Unfair discrimination prohibited -- life insurance, annuities, and disability insurance. (1) No person shall make or permit any unfair discrimination between individuals of the same class and equal expectation of life in the rates charged for any contract of life insurance or of life annuity or in the dividends or other benefits payable thereon or in any other of the terms and conditions of such contract.

(2) No person shall make or permit any unfair discrimination between individuals of the same class and of

SECOND READING



1 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

1 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-

HOUSE BILL NO. 530

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

A BILL FOR AN ACT ENTITLED: "AN ACT TO PROHIBIT HEALTH
DISABILITY AND LIFE INSURERS, HEALTH SERVICE CORPORATIONS,
AND HEALTH MAINTENANCE ORGANISATIONS FROM EXCLUDING COVERAGE
OR MEMBERSHIP TO OR REFUSING TO CONSIDER AN APPLICATION FOR
INSURANCE COVERAGE FROM ANY PERSON ON THE BASIS OF GENETIC
CONDITION, DEVELOPMENTAL DELAY, OR DEVELOPMENTAL DISABILITY;
TO DEFINE UNLAWFUL DISCRIMINATION IN THE APPLICATION OF
INSURANCE RATES OR TERMS OR IN THE ISSUANCE OF AN INSURANCE
POLICY; TO DEFINE TERMS; AMENDING SECTION 33-18-206, MCA;
AND PROVIDING AN APPLICABILITY DATE."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

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genetic condition, developmental delay, or developmental
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health or life insurance policy, certificate of health or
life insurance, or membership contract that is delivered,
issued for delivery, renewed, extended, or modified in this
state by an insurer, health service corporation, or health
maintenance organization may not exclude coverage or~~

~~membership to any person on the basis of genetic condition,
developmental delay, or developmental disability.~~

~~(2) As used in this section, the following definitions
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.~~

~~(c) "Genetic condition" means a specific chromosomal or
single gene genetic condition.~~

~~NEW SECTION: Section 2. Codification instruction.
{Section 1} is intended to be codified as an integral part
of Title 33, and the provisions of Title 33 apply to
{section 1}.~~

SECTION 1. SECTION 33-18-206, MCA, IS AMENDED TO READ:

"33-18-206. Unfair discrimination prohibited -- life
insurance, annuities, and disability insurance. (1) No
person shall make or permit any unfair discrimination
between individuals of the same class and equal expectation
of life in the rates charged for any contract of life
insurance or of life annuity or in the dividends or other
benefits payable thereon or in any other of the terms and
conditions of such contract.

(2) No person shall make or permit any unfair
discrimination between individuals of the same class and of

THIRD READING

1 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

1 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-

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INTRODUCED BY BROOKE, WHALEN, STICKNEY, DRISCOLL,
COCCHIARELLA, HARRINGTON, MENAHAN, SQUIRES, COHEN,
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A BILL FOR AN ACT ENTITLED: "AN ACT TO PROHIBIT HEALTH
DISABILITY AND LIFE INSURERS, HEALTH-SERVICE-CORPORATIONS,
AND HEALTH-MAINTENANCE-ORGANIZATIONS FROM EXCLUDING COVERAGE
OR MEMBERSHIP TO OR REFUSING TO CONSIDER AN APPLICATION FOR
INSURANCE COVERAGE FROM ANY PERSON ON THE BASIS OF GENETIC
CONDITION, DEVELOPMENTAL DELAY, OR DEVELOPMENTAL DISABILITY;
TO DEFINE UNLAWFUL DISCRIMINATION IN THE APPLICATION OF
INSURANCE RATES OR TERMS OR IN THE ISSUANCE OF AN INSURANCE
POLICY; TO DEFINE TERMS; AMENDING SECTION 33-18-206, MCA;
AND PROVIDING AN APPLICABILITY DATE."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

NEW-SECTION:--Section-1:--Discrimination--on--basis--of
genetic-condition,--developmental-delay,--or--developmental
disability-prohibited:--(1)--An-individual-or-group-disability
health-or--life--insurance-policy, certificate-of-health-or
life-insurance, or-membership-contract--that--is--delivered,
issued--for-delivery, renewed, extended, or-modified-in-this
state-by-an-insurer, health-service-corporation, or--health
maintenance--organization--may--not--exclude--coverage--or

membership--to-any-person-on-the-basis-of-genetic-condition,
developmental-delay, or-developmental-disability:

(2)--As-used-in-this-section, the-following--definitions
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:

(c)--"Genetic-condition"--means--a--specific-chromosomal-or
single-gene-genetic-condition:

NEW-SECTION:--Section-2:--Codification-----instruction-
{Section--1}--is-intended-to-be-codified-as-an-integral-part
of--Title-33,--and--the--provisions--of--Title--33--apply--to
{section-1}:

SECTION 1. SECTION 33-18-206, MCA, IS AMENDED TO READ:

"33-18-206. Unfair discrimination prohibited -- life
insurance, annuities, and disability insurance. (1) No
person shall make or permit any unfair discrimination
between individuals of the same class and equal expectation
of life in the rates charged for any contract of life
insurance or of life annuity or in the dividends or other
benefits payable thereon or in any other of the terms and
conditions of such contract.

(2) No person shall make or permit any unfair
discrimination between individuals of the same class and of

REFERENCE BILL



1 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
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15 condition and history and either claims experience or
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22 1 1/2 standard deviations from the norm.

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24 developmental disabilities as defined in 53-20-202.

25 (c) "Genetic condition" means a specific chromosomal or

1 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-