

HOUSE BILL NO. 45

INTRODUCED BY J. KARJALA

BY REQUEST OF THE STATE AUDITOR

A BILL FOR AN ACT ENTITLED: "AN ACT REVISING INSURANCE DISCRIMINATION PROHIBITIONS ON THE BASIS OF GENETIC TRAITS; REMOVING EXCLUSIONS FOR LIFE INSURANCE, DISABILITY INCOME INSURANCE, AND LONG-TERM CARE INSURANCE FOR GENETIC TESTING; AMENDING SECTION 33-18-902, MCA; AND PROVIDING AN APPLICABILITY DATE."

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

Section 1. Section 33-18-902, MCA, is amended to read:

"33-18-902. Requirement for genetic testing -- limitations. (†) An insurer, health service corporation, health maintenance organization, fraternal benefit society, or other issuer of an individual or group policy or certificate of insurance may not require an individual to obtain a genetic test unless the test is otherwise required by law for reasons including but not limited to the following:

(a)(1) to establish parentage;

(b)(2) to determine the presence of metabolic disorders in a newborn by testing conducted pursuant to newborn screening and protocols;

(c)(3) in connection with a criminal investigation or prosecution; or

(d)(4) for remains identification.

~~(2) This section does not apply to transactions of life, disability income, or long-term care insurance."~~

NEW SECTION. Section 2. Saving clause. [This act] does not affect rights and duties that matured, penalties that were incurred, or proceedings that were begun before [the effective date of this act].

NEW SECTION. Section 3. Applicability. [This act] applies to insurance transactions on or after January 1, 2016.

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