

# SENATE BILL REPORT

## SB 6326

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As of January 20, 2000

**Title:** An act relating to genetic discrimination in insurance transactions.

**Brief Description:** Preventing a person's deoxyribonucleic acid from being screened for any insurance transaction.

**Sponsors:** Senators Franklin, Kline, Fairley, McAuliffe, Stevens and Costa.

**Brief History:**

**Committee Activity:** Human Services & Corrections: 1/25/2000.

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### SENATE COMMITTEE ON HUMAN SERVICES & CORRECTIONS

**Staff:** Joan K. Mell (786-7447)

**Background:** DNA means deoxyribonucleic acid, a component of human body cells. Analysis of DNA produces a sequence of chemical base pairs (**A** = adenylic acid, **T** = thymidylic acid, **C** = cytidylic acid, and **G** = guanylic acid), which is unique to the individual.

Researchers, scientists, criminal experts, and businesses value interpretation of the unique sequences. The federal government is competing with private researchers to map the entire human genome. The federally supported effort is called the Human Genome Project; a segment of that project operates out of the University of Washington.

In the 1999 session, the Legislature enacted House Concurrent Resolution 4412, which resulted in an interim committee on DNA Identification. The resolution directed House and Senate members to study the policy implications relative to scientific advances that are making DNA useful. The resolution required consideration of privacy concerns given the wealth of individual information available from DNA.

Consumers have expressed concerns about their individual privacy relative to DNA analysis. In the area of insurance, patients have hesitated when DNA testing is recommended. Testing can reveal genetic characteristics consistent with disease or indicate percentage probability of disease. Consumers fear insurers would use this information to deny coverage or increase premiums.

In this state, the law requires guaranteed issue—health coverage. Health insurers argue this law precludes them from underwriting health coverage. This provision does not apply to other types of insurance. Also, self insurers are not subject to the guaranteed issue—requirement.

A provision in the Health Insurance Portability Act, a federal law, prohibits discriminatory use of genetic information relative to health insurance.

State law defines insurance transaction as solicitation; negotiations preliminary to execution; execution of an insurance contract; transaction of matters subsequent to the execution of the contract and arising out of it; and insuring.

**Summary of Bill:** DNA could not be screened in any insurance transaction. The term screened— is defined. Insurance coverage for DNA testing cannot be denied under the provisions of the bill.

**Appropriation:** None.

**Fiscal Note:** Not requested.

**Effective Date:** Ninety days after adjournment of session in which bill is passed.