
SUBSTITUTE SENATE BILL 5452

State of Washington

59th Legislature

2005 Regular Session

By Senate Committee on Financial Institutions, Housing & Consumer Protection (originally sponsored by Senators Franklin, Fairley, Stevens, Roach, Benson, Regala, Kline, Rockefeller, Rasmussen and Kohl-Welles)

READ FIRST TIME 02/21/05.

1 AN ACT Relating to genetic testing as a condition of life
2 insurance; and amending RCW 48.18.480.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

4 **Sec. 1.** RCW 48.18.480 and 1957 c 193 s 12 are each amended to read
5 as follows:

6 ((No)) An insurer shall not make or permit any unfair
7 discrimination between insureds or subjects of insurance having
8 substantially like insuring, risk, and exposure factors, and expense
9 elements, in the terms or conditions of any insurance contract, or in
10 the rate or amount of premium charged therefor, or in the benefits
11 payable or in any other rights or privileges accruing thereunder. This
12 ((provision shall)) section does not prohibit fair discrimination by a
13 life insurer as between individuals having unequal expectation of life,
14 except that insurers may not require a person to undergo a genetic test
15 or provide the results of a previous genetic test as a condition of
16 offering or renewing insurance. If an insurer has information from a
17 genetic test, the insurer may only use that information if it
18 demonstrates the active presence of disease or illness. An insurer may

1 not use information from a genetic test if the information only
2 demonstrates a propensity for a condition or illness and not the active
3 presence of disease or illness.

4 (1) "Genetic information" means written or recorded information
5 about genes, gene products, or genetic characteristics derived from an
6 individual or a family member of the individual. "Gene product" is a
7 scientific term that means messenger RNA and translated protein. For
8 purposes of this chapter, "genetic information" shall not include
9 routine physical measurements: Chemical, blood, and urine analysis,
10 unless conducted purposely to diagnose a genetic characteristic; tests
11 for the abuse of drugs; tests for cholesterol; and tests for the
12 presence of HIV. Family histories do not constitute genetic
13 information.

14 (2) "Genetic test" means a test of human DNA, RNA, mitochondrial
15 DNA, chromosomes, or other material for the purpose of identifying
16 genes, inherited or acquired genetic abnormalities, or the presence or
17 absence of inherited or acquired characteristics in the genetic
18 material. For the purposes of this section, "genetic test" does not
19 include tests given for cholesterol or HIV. Employers may test for the
20 presence of drugs or alcohol, but may not use the results of these
21 tests to gain genetic information.

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