

ASSEMBLY, No. 3914

STATE OF NEW JERSEY 218th LEGISLATURE

INTRODUCED MAY 7, 2018

Sponsored by:

Assemblywoman VALERIE VAINIERI HUTTLE

District 37 (Bergen)

Assemblywoman JOANN DOWNEY

District 11 (Monmouth)

SYNOPSIS

Prohibits unfair discrimination in issuing or rating life insurance policies based on transgender status or certain gender identity information.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 11/27/2018)

1 AN ACT concerning life insurance policies and amending
2 N.J.S.17B:30-12.

3

4 **BE IT ENACTED** by the Senate and General Assembly of the State
5 of New Jersey:

6

7 1. N.J.S.17B:30-12 is amended to read as follows:

8 17B:30-12. a. No person shall discriminate against any person
9 or group of persons because of race, creed, color, national origin or
10 ancestry of such person or group of persons in the issuance,
11 withholding, extension or renewal of any policy of life or health
12 insurance or annuity or in the fixing of the rates, terms or conditions
13 therefor, or in the issuance or acceptance of any application
14 therefor.

15 b. No person shall use any form of policy of life or health
16 insurance or contract of annuity which expresses, directly or
17 indirectly, any limitation, or discrimination as to race, creed, color,
18 national origin or ancestry or any intent to make any such limitation
19 or discrimination.

20 c. No person shall make or permit any unfair discrimination
21 between individuals of the same class and equal expectation of life
22 in the rates charged for any policy of life insurance or contract of
23 annuity or in the dividends or other benefits payable thereon, or in
24 any other of the terms and conditions of such policy of life
25 insurance or contract of annuity.

26 d. No person shall make or permit any unfair discrimination
27 between individuals of the same class and of essentially the same
28 hazard in the amount of premium, policy fees, or rates charged for
29 any policy or contract of health insurance or in the benefits payable
30 thereunder, or in any of the terms or conditions of such policy or
31 contract, or in any other manner whatever.

32 e. (1) No person shall discriminate against any individual on
33 the basis of genetic information or the refusal to submit to a genetic
34 test or make available the results of a genetic test to the person in
35 the issuance, withholding, extension or renewal of any hospital
36 confinement or other supplemental limited benefit insurance, as
37 defined by regulation of the commissioner, or in the fixing of the
38 rates, terms or conditions therefor, or in the issuance or acceptance
39 of any application therefor.

40 (2) As used in this subsection and subsection f. of this section:

41 "Genetic characteristic" means any inherited gene or
42 chromosome, or alteration thereof, that is scientifically or medically
43 believed to predispose an individual to a disease, disorder or
44 syndrome, or to be associated with a statistically significant
45 increased risk of development of a disease, disorder or syndrome.

EXPLANATION – Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

1 "Genetic information" means the information about genes, gene
2 products or inherited characteristics that may derive from an
3 individual or family member.

4 "Genetic test" means a test for determining the presence or
5 absence of an inherited genetic characteristic in an individual,
6 including tests of nucleic acids such as DNA, RNA and
7 mitochondrial DNA, chromosomes or proteins in order to identify a
8 predisposing genetic characteristic.

9 f. No person shall make or permit any unfair discrimination
10 against an individual in the application of the results of a genetic
11 test or genetic information in the issuance, withholding, extension
12 or renewal of a policy of life insurance, including credit life
13 insurance, an annuity, disability income insurance contract or credit
14 accident insurance coverage. If the commissioner has reason to
15 believe that such unfair discrimination has occurred, including that
16 application of the results of a genetic test is not reasonably related
17 to anticipated claim experience, and that a proceeding by the
18 commissioner would be in the interest of the public, the
19 commissioner shall, in accordance with the provisions of
20 N.J.S.17B:30-1 et seq., issue and serve upon the insurer a statement
21 of the charges. Upon a determination that the practice or act of the
22 insurer is in conflict with the provisions of this subsection, the
23 commissioner shall issue an order requiring the insurer to cease and
24 desist from engaging in the practice or act and may order payment
25 of a penalty consistent with the provisions of N.J.S.17B:30-1 et seq.

26 If, in the issuance, withholding, extension or renewal of any
27 policy of life insurance, including credit life insurance, an annuity,
28 disability income insurance contract or credit accident insurance
29 coverage, an insurer will use the results of a genetic test in
30 compliance with this subsection, the insurer shall notify the
31 individual who is the subject of the genetic test that such a test shall
32 be required and shall obtain the individual's written informed
33 consent for the test prior to the administration of the test, in
34 accordance with the requirements of P.L.1985, c.179 (C.17:23A-1
35 et seq.). The insurer shall also provide that the physician or other
36 health care professional designated by the individual shall promptly
37 receive a copy of the results of the test and, if required, an
38 interpretation of the test results by a qualified professional, and that
39 the individual shall state in writing whether the individual elects to
40 be informed of the results of the test.

41 g. No person shall make or permit any unfair discrimination
42 against any individual on the basis of the individual's intent to
43 engage in future lawful foreign travel in the issuance, extension or
44 renewal of any policy of life insurance or in the fixing of the rates,
45 terms or conditions therefor. For purposes of this subsection,
46 "unfair discrimination" means any decision to issue, extend, or
47 renew a policy of life insurance or the fixing of rates, terms, or
48 conditions of a life insurance policy, on the basis of the individual's

1 intent to engage in future lawful foreign travel, which is not based
2 on sound actuarial principles or actual or reasonably anticipated
3 experience.

4 h. No person shall make or permit any unfair discrimination in
5 the issuance, extension, or renewal of a life insurance policy or in
6 the fixing of the rates, terms, or conditions of a life insurance
7 policy, against an individual on the basis of:

8 (1) an individual's transgender status, including a diagnosis of
9 gender dysphoria and any related medical treatments; or

10 (2) any apparent incongruence between the individual's gender
11 identity and the individual's sex assigned at birth, or the gender
12 designated in the individual's insurance application or records or
13 other identification documents.

14 i. Nothing contained in this section shall be construed to
15 require any agent or company to take or receive the application for
16 insurance or annuity of any person or to issue a policy of insurance
17 or contract of annuity to any person.

18 (cf: P.L.2008, c.4 s.1)

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20 2. This act shall take effect immediately.

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STATEMENT

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25 This bill amends the law concerning unfair discrimination in the
26 issuance, extension or renewal of life insurance policies or in the
27 fixing of the rates, terms, or conditions of a life insurance policy, to
28 prohibit such discrimination against individuals based on:

29 (1) an individual's transgender status, including a diagnosis of
30 gender dysphoria and any related medical treatments; or

31 (2) any apparent incongruence between the individual's gender
32 identity and the individual's sex assigned at birth, or the gender
33 designated in the individual's insurance application or records or
34 other identification documents.