

§§1,2  
Note To §§3-10  
§§1,2,6-10  
C.10:5-43 to  
10:5-49  
§11 C.17:48-6.18  
§12 C.17:48A-6.11  
§13 C.17:48E-15.2  
§14 C.17B:26-3.2  
§15 C.17B:27-36.2  
§16 C.26:2J-15.1  
§17 Note To §§6,7

P.L. 1996, CHAPTER 126, *approved November 19, 1996*  
Senate Committee Substitute (*First Reprint*) for  
Senate Nos. 695 and 854

1 AN ACT concerning genetic testing and privacy and medical  
2 underwriting, amending N.J.S.17B:30-12, amending and  
3 supplementing P.L.1945, c.169 and supplementing Titles 17 and 26  
4 of the Revised Statutes and Title 17B of the New Jersey Statutes.  
5

6 **BE IT ENACTED** by the Senate and General Assembly of the State  
7 of New Jersey:  
8

9 1. Sections 1 through 10 of this act shall be known and may be  
10 cited as the “Genetic Privacy Act.”  
11

12 2. (New section) The Legislature finds and declares:

13 a. The DNA molecule contains information about an individual's  
14 probable medical future. This information is written in a code that is  
15 rapidly being broken.

16 b. Genetic information is personal information that should not be  
17 collected, retained or disclosed without the individual's authorization.

18 c. The improper collection, retention or disclosure of genetic  
19 information can lead to significant harm to the individual, including  
20 stigmatization and discrimination in areas such as employment,  
21 education, health care and insurance.

22 d. An analysis of an individual's DNA provides information not  
23 only about an individual, but also about the individual's parents,  
24 siblings and children, thereby impacting family privacy, including  
25 reproductive decisions.

**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.

Matter enclosed in superscript numerals has been adopted as follows:

<sup>1</sup> Senate amendments adopted in accordance with Governor's recommendations October 24, 1996.

1 e. Current legal protections for medical information, tissue  
2 samples and DNA samples are inadequate to protect genetic privacy.

3 f. Laws for the collection, storage and use of identifiable DNA  
4 samples and private genetic information obtained from those samples  
5 are needed both to protect individual privacy and to permit legitimate  
6 genetic research.

7 g. Progress in mapping the genes that cause breast cancer and  
8 other diseases has far outpaced the development of a legal and ethical  
9 context in which genetic information can be properly evaluated.

10 h. Effective tests to determine the presence of genes that cause  
11 breast cancer and other diseases carry with them the devastating  
12 potential for discrimination against carriers of these genes.

13

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

15 a. No person shall discriminate against any person or group of  
16 persons because of race, creed, color, national origin or ancestry of  
17 such person or group of persons in the issuance, withholding,  
18 extension or renewal of any policy of life or health insurance or  
19 annuity or in the fixing of the rates, terms or conditions therefor, or in  
20 the issuance or acceptance of any application therefor.

21 b. No person shall use any form of policy of life or health  
22 insurance or contract of annuity which expresses, directly or indirectly,  
23 any limitation, or discrimination as to race, creed, color, national  
24 origin or ancestry or any intent to make any such limitation or  
25 discrimination.

26 c. No person shall make or permit any unfair discrimination  
27 between individuals of the same class and equal expectation of life in  
28 the rates charged for any policy of life insurance or contract of annuity  
29 or in the dividends or other benefits payable thereon, or in any other  
30 of the terms and conditions of such policy of life insurance or contract  
31 of annuity.

32 d. No person shall make or permit any unfair discrimination  
33 between individuals of the same class and of essentially the same  
34 hazard in the amount of premium, policy fees, or rates charged for any  
35 policy or contract of health insurance or in the benefits payable  
36 thereunder, or in any of the terms or conditions of such policy or  
37 contract, or in any other manner whatever.

38 e. (1) No person shall discriminate against any individual on the  
39 basis of genetic information or the refusal to submit to a genetic test  
40 or make available the results of a genetic test to the person in the  
41 issuance, withholding, extension or renewal of any hospital confinement  
42 or other supplemental limited benefit <sup>1</sup>[health or credit life or credit  
43 accident] <sup>1</sup>insurance <sup>1</sup>[coverage] <sup>1</sup>, as defined by regulation of the  
44 commissioner, or in the fixing of the rates, terms or conditions  
45 therefor, or in the issuance or acceptance of any application therefor.

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

1 "Genetic characteristic" means any inherited gene or chromosome,  
2 or alteration thereof, that is scientifically or medically believed to  
3 predispose an individual to a disease, disorder or syndrome, or to be  
4 associated with a statistically significant increased risk of development  
5 of a disease, disorder or syndrome.

6 "Genetic information" means the information about genes, gene  
7 products or inherited characteristics that may derive from an individual  
8 or family member.

9 "Genetic test" means a test for determining the presence or absence  
10 of an inherited genetic characteristic in an individual, including tests  
11 of nucleic acids such as DNA, RNA and mitochondrial DNA,  
12 chromosomes or proteins in order to identify a predisposing genetic  
13 characteristic.

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

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

45 g. Nothing contained in this section shall be construed to require  
46 any agent or company to take or receive the application for insurance

1 or annuity of any person or to issue a policy of insurance or contract  
2 of annuity to any person.

3 (cf: N.J.S.17B:30-12)

4

5 4. Section 5 of P.L.1945, c.169 (C.10:5-5) is amended to read as  
6 follows:

7 5. As used in this act, unless a different meaning clearly appears  
8 from the context:

9 a. "Person" includes one or more individuals, partnerships,  
10 associations, organizations, labor organizations, corporations, legal  
11 representatives, trustees, trustees in bankruptcy, receivers, and  
12 fiduciaries.

13 b. "Employment agency" includes any person undertaking to  
14 procure employees or opportunities for others to work.

15 c. "Labor organization" includes any organization which exists and  
16 is constituted for the purpose, in whole or in part, of collective  
17 bargaining, or of dealing with employers concerning grievances, terms  
18 or conditions of employment, or of other mutual aid or protection in  
19 connection with employment.

20 d. "Unlawful employment practice" and "unlawful discrimination"  
21 include only those unlawful practices and acts specified in section 11  
22 of this act.

23 e. "Employer" includes all persons as defined in subsection a. of  
24 this section unless otherwise specifically exempt under another section  
25 of this act, and includes the State, any political or civil subdivision  
26 thereof, and all public officers, agencies, boards or bodies.

27 f. "Employee" does not include any individual employed in the  
28 domestic service of any person.

29 g. "Liability for service in the Armed Forces of the United States"  
30 means subject to being ordered as an individual or member of an  
31 organized unit into active service in the Armed Forces of the United  
32 States by reason of membership in the National Guard, naval militia or  
33 a reserve component of the Armed Forces of the United States, or  
34 subject to being inducted into such armed forces through a system of  
35 national selective service.

36 h. "Division" means the "Division on Civil Rights" created by this  
37 act.

38 i. "Attorney General" means the Attorney General of the State of  
39 New Jersey or his representative or designee.

40 j. "Commission" means the Commission on Civil Rights created by  
41 this act.

42 k. "Director" means the Director of the Division on Civil Rights.

43 l. "A place of public accommodation" shall include, but not be  
44 limited to: any tavern, roadhouse, hotel, motel, trailer camp, summer  
45 camp, day camp, or resort camp, whether for entertainment of  
46 transient guests or accommodation of those seeking health, recreation

1 or rest; any producer, manufacturer, wholesaler, distributor, retail  
2 shop, store, establishment, or concession dealing with goods or  
3 services of any kind; any restaurant, eating house, or place where food  
4 is sold for consumption on the premises; any place maintained for the  
5 sale of ice cream, ice and fruit preparations or their derivatives, soda  
6 water or confections, or where any beverages of any kind are retailed  
7 for consumption on the premises; any garage, any public conveyance  
8 operated on land or water, or in the air, any stations and terminals  
9 thereof; any bathhouse, boardwalk, or seashore accommodation; any  
10 auditorium, meeting place, or hall; any theatre, motion-picture house,  
11 music hall, roof garden, skating rink, swimming pool, amusement and  
12 recreation park, fair, bowling alley, gymnasium, shooting gallery,  
13 billiard and pool parlor, or other place of amusement; any comfort  
14 station; any dispensary, clinic or hospital; any public library; any  
15 kindergarten, primary and secondary school, trade or business school,  
16 high school, academy, college and university, or any educational  
17 institution under the supervision of the State Board of Education, or  
18 the Commissioner of Education of the State of New Jersey. Nothing  
19 herein contained shall be construed to include or to apply to any  
20 institution, bona fide club, or place of accommodation, which is in its  
21 nature distinctly private; nor shall anything herein contained apply to  
22 any educational facility operated or maintained by a bona fide religious  
23 or sectarian institution, and the right of a natural parent or one in loco  
24 parentis to direct the education and upbringing of a child under his  
25 control is hereby affirmed; nor shall anything herein contained be  
26 construed to bar any private secondary or post secondary school from  
27 using in good faith criteria other than race, creed, color, national  
28 origin, ancestry or affectional or sexual orientation in the admission of  
29 students.

30 m. "A publicly assisted housing accommodation" shall include all  
31 housing built with public funds or public assistance pursuant to  
32 P.L.1949, c.300, P.L.1941, c.213, P.L.1944, c.169, P.L.1949, c.303,  
33 P.L.1938, c.19, P.L.1938, c.20, P.L.1946, c.52, and P.L.1949, c.184,  
34 and all housing financed in whole or in part by a loan, whether or not  
35 secured by a mortgage, the repayment of which is guaranteed or  
36 insured by the federal government or any agency thereof.

37 n. The term "real property" includes real estate, lands, tenements  
38 and hereditaments, corporeal and incorporeal, and leaseholds,  
39 provided, however, that, except as to publicly assisted housing  
40 accommodations, the provisions of this act shall not apply to the  
41 rental: (1) of a single apartment or flat in a two-family dwelling, the  
42 other occupancy unit of which is occupied by the owner as a residence  
43 or the household of the owner's family at the time of such rental; or (2)  
44 of a room or rooms to another person or persons by the owner or  
45 occupant of a one-family dwelling occupied by the owner or occupant  
46 as a residence or the household of the owner's or occupant's family at

1 the time of such rental. Nothing herein contained shall be construed  
2 to bar any religious or denominational institution or organization, or  
3 any organization operated for charitable or educational purposes,  
4 which is operated, supervised or controlled by or in connection with  
5 a religious organization, in the sale, lease or rental of real property,  
6 from limiting admission to or giving preference to persons of the same  
7 religion or denomination or from making such selection as is  
8 calculated by such organization to promote the religious principles for  
9 which it is established or maintained. Nor does any provision under  
10 this act regarding discrimination on the basis of familial status apply  
11 with respect to housing for older persons.

12 o. "Real estate broker" includes a person, firm or corporation  
13 who, for a fee, commission or other valuable consideration, or by  
14 reason of promise or reasonable expectation thereof, lists for sale,  
15 sells, exchanges, buys or rents, or offers or attempts to negotiate a  
16 sale, exchange, purchase, or rental of real estate or an interest therein,  
17 or collects or offers or attempts to collect rent for the use of real  
18 estate, or solicits for prospective purchasers or assists or directs in the  
19 procuring of prospects or the negotiation or closing of any transaction  
20 which does or is contemplated to result in the sale, exchange, leasing,  
21 renting or auctioning of any real estate, or negotiates, or offers or  
22 attempts or agrees to negotiate a loan secured or to be secured by  
23 mortgage or other encumbrance upon or transfer of any real estate for  
24 others; or any person who, for pecuniary gain or expectation of  
25 pecuniary gain conducts a public or private competitive sale of lands  
26 or any interest in lands. In the sale of lots, the term "real estate  
27 broker" shall also include any person, partnership, association or  
28 corporation employed by or on behalf of the owner or owners of lots  
29 or other parcels of real estate, at a stated salary, or upon a  
30 commission, or upon a salary and commission or otherwise, to sell  
31 such real estate, or any parts thereof, in lots or other parcels, and who  
32 shall sell or exchange, or offer or attempt or agree to negotiate the  
33 sale or exchange, of any such lot or parcel of real estate.

34 p. "Real estate salesperson" includes any person who, for  
35 compensation, valuable consideration or commission, or other thing of  
36 value, or by reason of a promise or reasonable expectation thereof, is  
37 employed by and operates under the supervision of a licensed real  
38 estate broker to sell or offer to sell, buy or offer to buy or negotiate  
39 the purchase, sale or exchange of real estate, or offers or attempts to  
40 negotiate a loan secured or to be secured by a mortgage or other  
41 encumbrance upon or transfer of real estate, or to lease or rent, or  
42 offer to lease or rent any real estate for others, or to collect rents for  
43 the use of real estate, or to solicit for prospective purchasers or lessees  
44 of real estate, or who is employed by a licensed real estate broker to  
45 sell or offer to sell lots or other parcels of real estate, at a stated  
46 salary, or upon a commission, or upon a salary and commission, or

1 otherwise to sell real estate, or any parts thereof, in lots or other  
2 parcels.

3 q. "Handicapped" means suffering from physical disability,  
4 infirmity, malformation or disfigurement which is caused by bodily  
5 injury, birth defect or illness including epilepsy, and which shall  
6 include, but not be limited to, any degree of paralysis, amputation, lack  
7 of physical coordination, blindness or visual impediment, deafness or  
8 hearing impediment, muteness or speech impediment or physical  
9 reliance on a service or guide dog, wheelchair, or other remedial  
10 appliance or device, or from any mental, psychological or  
11 developmental disability resulting from anatomical, psychological,  
12 physiological or neurological conditions which prevents the normal  
13 exercise of any bodily or mental functions or is demonstrable,  
14 medically or psychologically, by accepted clinical or laboratory  
15 diagnostic techniques. Handicapped shall also mean suffering from  
16 AIDS or HIV infection.

17 r. "Blind person" means any individual whose central visual acuity  
18 does not exceed 20/200 in the better eye with correcting lens or whose  
19 visual acuity is better than 20/200 if accompanied by a limit to the field  
20 of vision in the better eye to such a degree that its widest diameter  
21 subtends an angle of no greater than 20 degrees.

22 s. "Guide dog" means a dog used to assist deaf persons or which  
23 is fitted with a special harness so as to be suitable as an aid to the  
24 mobility of a blind person, and is used by a blind person who has  
25 satisfactorily completed a specific course of training in the use of such  
26 a dog, and has been trained by an organization generally recognized by  
27 agencies involved in the rehabilitation of the blind or deaf as reputable  
28 and competent to provide dogs with training of this type.

29 t. "Guide or service dog trainer" means any person who is  
30 employed by an organization generally recognized by agencies  
31 involved in the rehabilitation of the blind, handicapped or deaf as  
32 reputable and competent to provide dogs with training, and who is  
33 actually involved in the training process.

34 u. "Housing accommodation" means any publicly assisted housing  
35 accommodation or any real property, or portion thereof, which is used  
36 or occupied, or is intended, arranged, or designed to be used or  
37 occupied, as the home, residence or sleeping place of one or more  
38 persons, but shall not include any single family residence the occupants  
39 of which rent, lease, or furnish for compensation not more than one  
40 room therein.

41 v. "Public facility" means any place of public accommodation and  
42 any street, highway, sidewalk, walkway, public building, and any other  
43 place or structure to which the general public is regularly, normally or  
44 customarily permitted or invited.

45 w. "Deaf person" means any person whose hearing is so severely  
46 impaired that the person is unable to hear and understand normal

- 1 conversational speech through the unaided ear alone, and who must  
2 depend primarily on supportive device or visual communication such  
3 as writing, lip reading, sign language, and gestures.
- 4 x. "Atypical hereditary cellular or blood trait" means sickle cell  
5 trait, hemoglobin C trait, thalassemia trait, Tay-Sachs trait, or cystic  
6 fibrosis trait.
- 7 y. "Sickle cell trait" means the condition wherein the major natural  
8 hemoglobin components present in the blood of the individual are  
9 hemoglobin A (normal) and hemoglobin S (sickle hemoglobin) as  
10 defined by standard chemical and physical analytic techniques,  
11 including electrophoresis; and the proportion of hemoglobin A is  
12 greater than the proportion of hemoglobin S or one natural parent of  
13 the individual is shown to have only normal hemoglobin components  
14 (hemoglobin A, hemoglobin A2, hemoglobin F) in the normal  
15 proportions by standard chemical and physical analytic tests.
- 16 z. "Hemoglobin C trait" means the condition wherein the major  
17 natural hemoglobin components present in the blood of the individual  
18 are hemoglobin A (normal) and hemoglobin C as defined by standard  
19 chemical and physical analytic techniques, including electrophoresis;  
20 and the proportion of hemoglobin A is greater than the proportion of  
21 hemoglobin C or one natural parent of the individual is shown to have  
22 only normal hemoglobin components (hemoglobin A, hemoglobin A2,  
23 hemoglobin F) in normal proportions by standard chemical and  
24 physical analytic tests.
- 25 aa. "Thalassemia trait" means the presence of the thalassemia gene  
26 which in combination with another similar gene results in the chronic  
27 hereditary disease Cooley's anemia.
- 28 bb. "Tay-Sachs trait" means the presence of the Tay-Sachs gene  
29 which in combination with another similar gene results in the chronic  
30 hereditary disease Tay-Sachs.
- 31 cc. "Cystic fibrosis trait" means the presence of the cystic fibrosis  
32 gene which in combination with another similar gene results in the  
33 chronic hereditary disease cystic fibrosis.
- 34 dd. "Service dog" means any dog individually trained to a  
35 handicapped person's requirements including, but not limited to  
36 minimal protection work, rescue work, pulling a wheelchair or  
37 retrieving dropped items.
- 38 ee. "Qualified Medicaid applicant" means an individual who is a  
39 qualified applicant pursuant to P.L.1968, c.413 (C.30:4D-1 et seq.).
- 40 ff. "AIDS" means acquired immune deficiency syndrome as  
41 defined by the Centers for Disease Control of the United States Public  
42 Health Service.
- 43 gg. "HIV infection" means infection with the human  
44 immunodeficiency virus or any other related virus identified as a  
45 probable causative agent of AIDS.
- 46 hh. "Affectional or sexual orientation" means male or female

1 heterosexual, homosexuality or bisexuality by inclination, practice,  
2 identity or expression, having a history thereof or being perceived,  
3 presumed or identified by others as having such an orientation.

4 ii. "Heterosexuality" means affectional, emotional or physical  
5 attraction or behavior which is primarily directed towards persons of  
6 the other gender.

7 jj. "Homosexuality" means affectional, emotional or physical  
8 attraction or behavior which is primarily directed towards persons of  
9 the same gender.

10 kk. "Bisexuality" means affectional, emotional or physical  
11 attraction or behavior which is directed towards persons of either  
12 gender.

13 ll. "Familial status" means being the natural parent of a child, the  
14 adoptive parent of a child, the foster parent of a child, having a "parent  
15 and child relationship" with a child as defined by State law, or having  
16 sole or joint legal or physical custody, care, guardianship, or visitation  
17 with a child, or any person who is pregnant or is in the process of  
18 securing legal custody of any individual who has not attained the age  
19 of 18 years.

20 mm. "Housing for older persons" means housing:

21 (1) provided under any State or federal program that the Attorney  
22 General determines is specifically designed and operated to assist  
23 elderly persons (as defined in the State or federal program); or

24 (2) intended for, and solely occupied by persons 62 years of age  
25 or older; or

26 (3) intended and operated for occupancy by at least one person 55  
27 years of age or older per unit. In determining whether housing  
28 qualifies as housing for older persons under this subsection, the  
29 Attorney General shall adopt regulations which require at least the  
30 following factors:

31 (a) the existence of significant facilities and services specifically  
32 designed to meet the physical or social needs of older persons, or if the  
33 provision of such facilities and services is not practicable, that such  
34 housing is necessary to provide important housing opportunities for  
35 older persons; and

36 (b) that at least 80 percent of the units are occupied by at least  
37 one person 55 years of age or older per unit; and

38 (c) the publication of, and adherence to, policies and procedures  
39 which demonstrate an intent by the owner or manager to provide  
40 housing for persons 55 years of age or older.

41 Housing shall not fail to meet the requirements for housing for  
42 older persons by reason of: persons residing in such housing as of  
43 March 12, 1989 not meeting the age requirements of this subsection,  
44 provided that new occupants of such housing meet the age  
45 requirements of this subsection; or unoccupied units, provided that  
46 such units are reserved for occupancy by persons who meet the age

1 requirements of this subsection.

2 nn. "Genetic characteristic" means any inherited gene or  
3 chromosome, or alteration thereof, that is scientifically or medically  
4 believed to predispose an individual to a disease, disorder or  
5 syndrome, or to be associated with a statistically significant increased  
6 risk of development of a disease, disorder or syndrome.

7 oo. "Genetic information" means the information about genes,  
8 gene products or inherited characteristics that may derive from an  
9 individual or family member.

10 pp. "Genetic test" means a test for determining the presence or  
11 absence of an inherited genetic characteristic in an individual, including  
12 tests of nucleic acids such as DNA, RNA and mitochondrial DNA,  
13 chromosomes or proteins in order to identify a predisposing genetic  
14 characteristic.

15 (cf: P.L.1992, c.146, s.4)

16

17 5. Section 11 of P.L.1945, c.169 (C.10:5-12) is amended to read  
18 as follows:

19 11. It shall be an unlawful employment practice, or, as the case  
20 may be, an unlawful discrimination:

21 a. For an employer, because of the race, creed, color, national  
22 origin, ancestry, age, marital status, affectional or sexual orientation,  
23 genetic information, sex or atypical hereditary cellular or blood trait  
24 of any individual, or because of the liability for service in the Armed  
25 Forces of the United States or the nationality of any individual, or  
26 because of the refusal to submit to a genetic test or make available the  
27 results of a genetic test to an employer, to refuse to hire or employ or  
28 to bar or to discharge or require to retire, unless justified by lawful  
29 considerations other than age, from employment such individual or to  
30 discriminate against such individual in compensation or in terms,  
31 conditions or privileges of employment; provided, however, it shall not  
32 be an unlawful employment practice to refuse to accept for  
33 employment an applicant who has received a notice of induction or  
34 orders to report for active duty in the armed forces; provided further  
35 that nothing herein contained shall be construed to bar an employer  
36 from refusing to accept for employment any person on the basis of sex  
37 in those certain circumstances where sex is a bona fide occupational  
38 qualification, reasonably necessary to the normal operation of the  
39 particular business or enterprise; provided further that nothing herein  
40 contained shall be construed to bar an employer from refusing to  
41 accept for employment or to promote any person over 70 years of age;  
42 provided further that it shall not be an unlawful employment practice  
43 for a club exclusively social or fraternal to use club membership as a  
44 uniform qualification for employment, or for a religious association or  
45 organization to utilize religious affiliation as a uniform qualification in  
46 the employment of clergy, religious teachers or other employees

1 engaged in the religious activities of the association or organization,  
2 or in following the tenets of its religion in establishing and utilizing  
3 criteria for employment of an employee; provided further, that it shall  
4 not be an unlawful employment practice to require the retirement of  
5 any employee who, for the two-year period immediately before  
6 retirement, is employed in a bona fide executive or a high  
7 policy-making position, if that employee is entitled to an immediate  
8 non-forfeitable annual retirement benefit from a pension, profit  
9 sharing, savings or deferred retirement plan, or any combination of  
10 those plans, of the employer of that employee which equals in the  
11 aggregate at least \$27,000.00; and provided further that an employer  
12 may restrict employment to citizens of the United States where such  
13 restriction is required by federal law or is otherwise necessary to  
14 protect the national interest.

15 For the purposes of this subsection, a "bona fide executive" is a top  
16 level employee who exercises substantial executive authority over a  
17 significant number of employees and a large volume of business. A  
18 "high policy-making position" is a position in which a person plays a  
19 significant role in developing policy and in recommending the  
20 implementation thereof.

21 b. For a labor organization, because of the race, creed, color,  
22 national origin, ancestry, age, marital status, affectional or sexual  
23 orientation or sex of any individual, or because of the liability for  
24 service in the Armed Forces of the United States or nationality of any  
25 individual, to exclude or to expel from its membership such individual  
26 or to discriminate in any way against any of its members, against any  
27 applicant for, or individual included in, any apprentice or other training  
28 program or against any employer or any individual employed by an  
29 employer; provided, however, that nothing herein contained shall be  
30 construed to bar a labor organization from excluding from its  
31 apprentice or other training programs any person on the basis of sex  
32 in those certain circumstances where sex is a bona fide occupational  
33 qualification reasonably necessary to the normal operation of the  
34 particular apprentice or other training program.

35 c. For any employer or employment agency to print or circulate or  
36 cause to be printed or circulated any statement, advertisement or  
37 publication, or to use any form of application for employment, or to  
38 make an inquiry in connection with prospective employment, which  
39 expresses, directly or indirectly, any limitation, specification or  
40 discrimination as to race, creed, color, national origin, ancestry, age,  
41 marital status, affectional or sexual orientation or sex or liability of any  
42 applicant for employment for service in the Armed Forces of the  
43 United States, or any intent to make any such limitation, specification  
44 or discrimination, unless based upon a bona fide occupational  
45 qualification.

46 d. For any person to take reprisals against any person because that

1 person has opposed any practices or acts forbidden under this act or  
2 because that person has filed a complaint, testified or assisted in any  
3 proceeding under this act or to coerce, intimidate, threaten or interfere  
4 with any person in the exercise or enjoyment of, or on account of that  
5 person having aided or encouraged any other person in the exercise or  
6 enjoyment of, any right granted or protected by this act.

7 e. For any person, whether an employer or an employee or not, to  
8 aid, abet, incite, compel or coerce the doing of any of the acts  
9 forbidden under this act, or to attempt to do so.

10 f. For any owner, lessee, proprietor, manager, superintendent,  
11 agent, or employee of any place of public accommodation directly or  
12 indirectly to refuse, withhold from or deny to any person any of the  
13 accommodations, advantages, facilities or privileges thereof, or to  
14 discriminate against any person in the furnishing thereof, or directly or  
15 indirectly to publish, circulate, issue, display, post or mail any written  
16 or printed communication, notice, or advertisement to the effect that  
17 any of the accommodations, advantages, facilities, or privileges of any  
18 such place will be refused, withheld from, or denied to any person on  
19 account of the race, creed, color, national origin, ancestry, marital  
20 status, sex, affectional or sexual orientation or nationality of such  
21 person, or that the patronage or custom thereof of any person of any  
22 particular race, creed, color, national origin, ancestry, marital status,  
23 sex, affectional or sexual orientation or nationality is unwelcome,  
24 objectionable or not acceptable, desired or solicited, and the  
25 production of any such written or printed communication, notice or  
26 advertisement, purporting to relate to any such place and to be made  
27 by any owner, lessee, proprietor, superintendent or manager thereof,  
28 shall be presumptive evidence in any action that the same was  
29 authorized by such person; provided, however, that nothing contained  
30 herein shall be construed to bar any place of public accommodation  
31 which is in its nature reasonably restricted exclusively to individuals of  
32 one sex, and which shall include but not be limited to any summer  
33 camp, day camp, or resort camp, bathhouse, dressing room, swimming  
34 pool, gymnasium, comfort station, dispensary, clinic or hospital, or  
35 school or educational institution which is restricted exclusively to  
36 individuals of one sex, from refusing, withholding from or denying to  
37 any individual of the opposite sex any of the accommodations,  
38 advantages, facilities or privileges thereof on the basis of sex; provided  
39 further, that the foregoing limitation shall not apply to any restaurant  
40 as defined in R.S.33:1-1 or place where alcoholic beverages are  
41 served.

42 g. For the owner, lessee, sublessee, assignee or managing agent of,  
43 or other person having the right of ownership or possession of or the  
44 right to sell, rent, lease, assign, or sublease any real property or part  
45 or portion thereof, or any agent or employee of any of these:

46 (1) To refuse to sell, rent, lease, assign, or sublease or otherwise

1 to deny to or withhold from any person or group of persons any real  
2 property or part or portion thereof because of the race, creed, color,  
3 national origin, ancestry, marital status, affectional or sexual  
4 orientation, familial status or nationality of such person or group of  
5 persons;

6 (2) To discriminate against any person or group of persons  
7 because of the race, creed, color, national origin, marital status, sex,  
8 affectional or sexual orientation or familial status of such person or  
9 group of persons in the terms, conditions or privileges of the sale,  
10 rental or lease of any real property or part or portion thereof or in the  
11 furnishing of facilities or services in connection therewith; or

12 (3) To print, publish, circulate, issue, display, post or mail, or  
13 cause to be printed, published, circulated, issued, displayed, posted or  
14 mailed any statement, advertisement, publication or sign, or to use any  
15 form of application for the purchase, rental, lease, assignment or  
16 sublease of any real property or part or portion thereof, or to make  
17 any record or inquiry in connection with the prospective purchase,  
18 rental, lease, assignment, or sublease of any real property, or part or  
19 portion thereof which expresses, directly or indirectly, any limitation,  
20 specification or discrimination as to race, creed, color, national origin,  
21 ancestry, marital status, sex, affectional or sexual orientation, familial  
22 status or nationality, or any intent to make any such limitation,  
23 specification or discrimination, and the production of any such  
24 statement, advertisement, publicity, sign, form of application, record,  
25 or inquiry purporting to be made by any such person shall be  
26 presumptive evidence in any action that the same was authorized by  
27 such person; provided, however, that nothing contained in this  
28 subsection shall be construed to bar any person from refusing to sell,  
29 rent, lease, assign or sublease or from advertising or recording a  
30 qualification as to sex for any room, apartment, flat in a dwelling or  
31 residential facility which is planned exclusively for and occupied by  
32 individuals of one sex to any individual of the exclusively opposite sex  
33 on the basis of sex.

34 h. For any person, including but not limited to, any real estate  
35 broker, real estate salesperson, or employee or agent thereof:

36 (1) To refuse to sell, rent, assign, lease or sublease, or offer for  
37 sale, rental, lease, assignment, or sublease any real property or part or  
38 portion thereof to any person or group of persons or to refuse to  
39 negotiate for the sale, rental, lease, assignment, or sublease of any real  
40 property or part or portion thereof to any person or group of persons  
41 because of the race, creed, color, national origin, ancestry, marital  
42 status, familial status, sex, affectional or sexual orientation or  
43 nationality of such person or group of persons, or to represent that any  
44 real property or portion thereof is not available for inspection, sale,  
45 rental, lease, assignment, or sublease when in fact it is so available, or  
46 otherwise to deny or withhold any real property or any part or portion

1 of facilities thereof to or from any person or group of persons because  
2 of the race, creed, color, national origin, ancestry, marital status,  
3 familial status, sex, affectional or sexual orientation or nationality of  
4 such person or group of persons;

5 (2) To discriminate against any person because of his race, creed,  
6 color, national origin, ancestry, marital status, familial status, sex or  
7 affectional or sexual orientation in the terms, conditions or privileges  
8 of the sale, rental, lease, assignment or sublease of any real property  
9 or part or portion thereof or in the furnishing of facilities or services  
10 in connection therewith; or

11 (3) To print, publish, circulate, issue, display, post, or mail, or  
12 cause to be printed, published, circulated, issued, displayed, posted or  
13 mailed any statement, advertisement, publication or sign, or to use any  
14 form of application for the purchase, rental, lease, assignment, or  
15 sublease of any real property or part or portion thereof or to make any  
16 record or inquiry in connection with the prospective purchase, rental,  
17 lease, assignment, or sublease of any real property or part or portion  
18 thereof which expresses, directly or indirectly, any limitation,  
19 specification or discrimination as to race, creed, color, national origin,  
20 ancestry, marital status, familial status, sex, affectional or sexual  
21 orientation or nationality or any intent to make any such limitation,  
22 specification or discrimination, and the production of any such  
23 statement, advertisement, publicity, sign, form of application, record,  
24 or inquiry purporting to be made by any such person shall be  
25 presumptive evidence in any action that the same was authorized by  
26 such person; provided, however, that nothing contained in this  
27 subsection h., shall be construed to bar any person from refusing to  
28 sell, rent, lease, assign or sublease or from advertising or recording a  
29 qualification as to sex for any room, apartment, flat in a dwelling or  
30 residential facility which is planned exclusively for and occupied  
31 exclusively by individuals of one sex to any individual of the opposite  
32 sex on the basis of sex.

33 i. For any person, bank, banking organization, mortgage company,  
34 insurance company or other financial institution, lender or credit  
35 institution to whom application is made for any loan or extension of  
36 credit including but not limited to an application for financial  
37 assistance for the purchase, acquisition, construction, rehabilitation,  
38 repair or maintenance of any real property or part or portion thereof  
39 or any agent or employee thereof:

40 (1) To discriminate against any person or group of persons  
41 because of the race, creed, color, national origin, ancestry, marital  
42 status, sex, affectional or sexual orientation or nationality of such  
43 person or group of persons or of the prospective occupants or tenants  
44 of such real property or part or portion thereof, in the granting,  
45 withholding, extending, modifying or renewing, or in the fixing of the  
46 rates, terms, conditions or provisions of any such loan, extension of

1 credit or financial assistance or in the extension of services in  
2 connection therewith; or

3 (2) To use any form of application for such loan, extension of  
4 credit or financial assistance or to make record or inquiry in  
5 connection with applications for any such loan, extension of credit or  
6 financial assistance which expresses, directly or indirectly, any  
7 limitation, specification or discrimination as to race, creed, color,  
8 national origin, ancestry, marital status, sex, affectional or sexual  
9 orientation or nationality or any intent to make any such limitation,  
10 specification or discrimination; unless otherwise required by law or  
11 regulation to retain or use such information; or

12 (3) To discriminate on the basis of familial status in any manner  
13 described in paragraph (1) or (2) of this subsection with respect to any  
14 real property.

15 j. For any person whose activities are included within the scope of  
16 this act to refuse to post or display such notices concerning the rights  
17 or responsibilities of persons affected by this act as the Attorney  
18 General may by regulation require.

19 k. For any real estate broker, real estate salesperson or employee  
20 or agent thereof or any other individual, corporation, partnership, or  
21 organization, for the purpose of inducing a transaction for the sale or  
22 rental of real property from which transaction such person or any of  
23 its members may benefit financially, to represent that a change has  
24 occurred or will or may occur in the composition with respect to race,  
25 creed, color, national origin, ancestry, marital status, familial status,  
26 sex, affectional or sexual orientation or nationality of the owners or  
27 occupants in the block, neighborhood or area in which the real  
28 property is located, and to represent, directly or indirectly, that this  
29 change will or may result in undesirable consequences in the block,  
30 neighborhood or area in which the real property is located, including,  
31 but not limited to the lowering of property values, an increase in  
32 criminal or anti-social behavior, or a decline in the quality of schools  
33 or other facilities.

34 l. For any person to refuse to buy from, sell to, lease from or to,  
35 license, contract with, or trade with, provide goods, services or  
36 information to, or otherwise do business with any other person on the  
37 basis of the race, creed, color, national origin, ancestry, age, sex,  
38 affectional or sexual orientation, marital status, liability for service in  
39 the Armed Forces of the United States, or nationality of such other  
40 person or of such other person's spouse, partners, members,  
41 stockholders, directors, officers, managers, superintendents, agents,  
42 employees, business associates, suppliers, or customers. This  
43 subsection shall not prohibit refusals or other actions (1) pertaining to  
44 employee-employer collective bargaining, labor disputes, or unfair  
45 labor practices, or (2) made or taken in connection with a protest of  
46 unlawful discrimination or unlawful employment practices.

1 m. For any person to:

2 (1) Grant or accept any letter of credit or other document which  
3 evidences the transfer of funds or credit, or enter into any contract for  
4 the exchange of goods or services, where the letter of credit, contract,  
5 or other document contains any provisions requiring any person to  
6 discriminate against or to certify that he, she or it has not dealt with  
7 any other person on the basis of the race, creed, color, national origin,  
8 ancestry, age, sex, affectional or sexual orientation, marital status,  
9 liability for service in the Armed Forces of the United States, or  
10 nationality of such other person or of such other person's spouse,  
11 partners, members, stockholders, directors, officers, managers,  
12 superintendents, agents, employees, business associates, suppliers, or  
13 customers.

14 (2) Refuse to grant or accept any letter of credit or other  
15 document which evidences the transfer of funds or credit, or refuse to  
16 enter into any contract for the exchange of goods or services, on the  
17 ground that it does not contain such a discriminatory provision or  
18 certification.

19 The provisions of this subsection shall not apply to any letter of  
20 credit, contract, or other document which contains any provision  
21 pertaining to employee-employer collective bargaining, a labor dispute  
22 or an unfair labor practice, or made in connection with the protest of  
23 unlawful discrimination or an unlawful employment practice, if the  
24 other provisions of such letter of credit, contract, or other document  
25 do not otherwise violate the provisions of this subsection.

26 n. For any person to aid, abet, incite, compel, coerce, or induce  
27 the doing of any act forbidden by subsections l. and m. of section 11  
28 of P.L.1945, c.169 (C.10:5-12), or to attempt, or to conspire to do so.  
29 Such prohibited conduct shall include, but not be limited to:

30 (1) Buying from, selling to, leasing from or to, licensing,  
31 contracting with, trading with, providing goods, services, or  
32 information to, or otherwise doing business with any person because  
33 that person does, or agrees or attempts to do, any such act or any act  
34 prohibited by this subsection n.; or

35 (2) Boycotting, commercially blacklisting or refusing to buy from,  
36 sell to, lease from or to, license, contract with, provide goods, services  
37 or information to, or otherwise do business with any person because  
38 that person has not done or refuses to do any such act or any act  
39 prohibited by this subsection n.; provided that this subsection n. shall  
40 not prohibit refusals or other actions either pertaining to  
41 employee-employer collective bargaining, labor disputes, or unfair  
42 labor practices, or made or taken in connection with a protest of  
43 unlawful discrimination or unlawful employment practices.

44 (cf: P.L.1992, c.146, s.9)

45

46 6. (New section) No person shall obtain genetic information from

1 an individual, or from an individual's DNA sample, without first  
2 obtaining informed consent from the individual or the individual's  
3 representative <sup>1</sup>according to regulations promulgated by the  
4 Commissioner of Health and Senior Services, in consultation with the  
5 Commissioner of Banking and Insurance, pursuant to subsection b. of  
6 section 9 of P.L. , c. (C. )(pending before the Legislature as this  
7 bill<sup>1</sup>.

8 a. The requirements of this section shall not apply to genetic  
9 information obtained:

10 (1) By a State, county, municipal or federal law enforcement  
11 agency for the purposes of establishing the identity of a person in the  
12 course of a criminal investigation or prosecution;

13 (2) To determine paternity in accordance with the provisions of  
14 section 14 of P.L.1983, c.17 (C.9:17-51);

15 (3) Pursuant to the provisions of the "DNA Database and  
16 Databank Act of 1994," P.L.1994, c.136 (C.53:1-20.17 et seq.);

17 (4) To determine the identity of deceased individuals;

18 (5) For anonymous research where the identity of the subject will  
19 not be released;

20 (6) Pursuant to newborn screening requirements established by  
21 State or federal law; or

22 (7) As authorized by federal law for the identification of persons.

23 b. In the case of a policy of life insurance or a disability income  
24 insurance contract, informed consent shall be obtained pursuant to the  
25 provisions of P.L.1985, c.179 (C.17:23A-1 et seq.).

26  
27 7. (New section) a. <sup>1</sup>[An individual's genetic information is the  
28 property of the individual.

29 b.]<sup>1</sup> No person shall retain an individual's genetic information  
30 without first obtaining authorization <sup>1</sup>under the informed consent  
31 requirement of section 6 of P.L. , c. (C. )(pending before the  
32 Legislature as this bill)<sup>1</sup> from the individual or the individual's  
33 representative, unless:

34 (1) Retention is necessary for the purposes of a criminal or death  
35 investigation or a criminal or juvenile proceeding;

36 (2) Retention is necessary to determine paternity in accordance  
37 with the provisions of section 14 of P.L.1983, c.17 (C.9:17-51);

38 (3) Retention is authorized by order of a court of competent  
39 jurisdiction; <sup>1</sup>[or]<sup>1</sup>

40 (4) Retention is made pursuant to the provisions of the "DNA  
41 Database and Databank Act of 1994," P.L.1994, c.136 (C.53:1-20.17  
42 et seq.)<sup>1</sup>[.]; or

43 (5) Retention of information is for anonymous research where the  
44 identity of the subject will not be released.<sup>1</sup>

45 <sup>1</sup>[c.] b.<sup>1</sup> The DNA sample of an individual from which genetic  
46 information has been obtained shall be destroyed promptly upon the

1 specific request of that individual or the individual's representative,  
2 unless:

3 (1) Retention is necessary for the purposes of a criminal or death  
4 investigation or a criminal or juvenile proceeding; or

5 (2) Retention is authorized by order of a court of competent  
6 jurisdiction.

7 <sup>1</sup>[d.] c.<sup>1</sup> A DNA sample from an individual who is the subject of  
8 a research project shall be destroyed promptly upon completion of the  
9 project or withdrawal of the individual from the project, whichever  
10 occurs first, unless the individual or the individual's representative  
11 directs otherwise by informed consent.

12 <sup>1</sup>[e.] d.<sup>1</sup> A DNA sample from an individual for insurance or  
13 employment purposes shall be destroyed promptly after the purpose  
14 for which the sample was obtained has been accomplished unless  
15 retention is authorized by order of a court of competent jurisdiction.

16 <sup>1</sup>[f.] e.<sup>1</sup> An individual or an individual's representative, promptly  
17 upon request, may inspect, request correction of and obtain genetic  
18 information from the records of the individual <sup>1</sup>unless the individual  
19 directs otherwise by informed consent pursuant to section 6 of P.L. ,  
20 c. (C. )(pending before the Legislature as this bill)<sup>1</sup>; except that, in  
21 the case of a policy of life insurance or a disability income insurance  
22 contract, the provisions of P.L.1985, c.179 (C.17:23A-1 et seq.) shall  
23 apply.

24 <sup>1</sup>[g.] f.<sup>1</sup> This section applies only to genetic information that can  
25 be identified as belonging to an individual or family. This section does  
26 not apply to any law, contract or other arrangement that determines a  
27 person's rights to compensation relating to substances or information  
28 derived from an individual's DNA sample.

29

30 8. (New section) a. Regardless of the manner of receipt or the  
31 source of genetic information, including information received from an  
32 individual, a person may not disclose or be compelled, by subpoena or  
33 any other means, to disclose the identity of an individual upon whom  
34 a genetic test has been performed or to disclose genetic information  
35 about the individual in a manner that permits identification of the  
36 individual, unless:

37 (1) Disclosure is necessary for the purposes of a criminal or death  
38 investigation or a criminal or juvenile proceeding;

39 (2) Disclosure is necessary to determine paternity in accordance  
40 with the provisions of section 14 of P.L.1983, c.17 (C.9:17-51);

41 (3) Disclosure is authorized by order of a court of competent  
42 jurisdiction;

43 (4) Disclosure is made pursuant to the provisions of the "DNA  
44 Database and Databank Act of 1994," P.L.1994, c.136 (C.53:1-20.17  
45 et seq.);

46 (5) Disclosure is authorized by the tested individual or the tested

1 individual's representative by signing a consent which complies with  
2 the requirements of the Department of Health <sup>1</sup>and Senior Services<sup>1</sup>;

3 (6) Disclosure is for the purpose of furnishing genetic information  
4 relating to a decedent for medical diagnosis of blood relatives of the  
5 decedent;

6 (7) Disclosure is for the purpose of identifying bodies;

7 (8) Disclosure is pursuant to newborn screening requirements  
8 established by State or federal law;

9 (9) Disclosure is authorized by federal law for the identification of  
10 persons; or

11 (10) Disclosure is by an insurer pursuant to the requirements of  
12 P.L.1985, c.179 (C.17:23A-1 et seq.).

13 b. The provisions of this section apply to any subsequent  
14 disclosure by any person after another person has disclosed genetic  
15 information or the identity of an individual upon whom a genetic test  
16 has been performed.

17

18 9. (New Section) a. A person <sup>1</sup>who requires or requests<sup>1</sup> that  
19 <sup>1</sup>[performs]<sup>1</sup> genetic testing <sup>1</sup>be done<sup>1</sup> or receives records, results or  
20 findings of genetic testing shall provide the person tested with notice  
21 that the test was performed <sup>1</sup>[or] and<sup>1</sup> that the <sup>1</sup>[information  
22 was] records, results or findings were<sup>1</sup> received <sup>1</sup>unless otherwise  
23 directed by informed consent pursuant to section 6 of P.L. , c.  
24 (C. ) (pending before the Legislature as this bill<sup>1</sup>. The notice shall  
25 state that the information may not be disclosed to any person without  
26 the written consent of the person tested, unless disclosure is made  
27 pursuant to one of the exceptions provided for in section 8 of P.L. ,  
28 c. (C. ) (pending before the Legislature as this bill).

29 b. The Commissioner of Health <sup>1</sup>and Senior Services, in  
30 consultation with the Commissioner of Banking and Insurance,<sup>1</sup> shall  
31 promulgate regulations pursuant to the provisions of the  
32 "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.)  
33 governing procedures for obtaining informed written consent pursuant  
34 to P.L. , c. (pending before the Legislature as this bill), <sup>1</sup>[which shall  
35 include a description of the test to be performed, including its purpose,  
36 potential uses, and limitations, the meaning of its results, procedures  
37 for notifying the applicant of the results, and the right to confidential  
38 treatment of the results] except where the procedures for obtaining  
39 informed written consent already are governed by national standards  
40 for informed consent as designated by the Commissioner of Health and  
41 Senior Services by regulation, which may include, but need not be  
42 limited to, guidelines from the Office of Protection for Research Risk,  
43 the Food and Drug Administration or other appropriate federal  
44 agencies<sup>1</sup>.

45 c. The provisions of this section shall not apply to newborn  
46 screening requirements established by State or federal law.

1        10. (New section) a. Any person violating the provisions of  
2 sections 6 through 9, inclusive, of P.L. , c. (C. ) (pending before  
3 the Legislature as this bill) shall be a disorderly person and shall be  
4 punished by a fine of \$1,000, a prison term of six months, or both.

5        b. Any person who willfully discloses an individual's genetic  
6 information to any third party in violation of P.L. , c. (pending  
7 before the Legislature as this bill) shall be punished by a fine of  
8 \$5,000, a prison term of one year, or both.

9        c. Any person who discloses an individual's genetic information in  
10 violation of P.L. , c. (pending before the Legislature as this bill),  
11 shall be liable to the individual for all actual damages, including  
12 damages for economic, bodily, or emotional harm which is proximately  
13 caused by the disclosure.

14  
15        11. (New section) Every individual or group hospital service  
16 corporation contract providing hospital or medical expense benefits  
17 that is delivered, issued, executed or renewed in this State pursuant to  
18 P.L.1938, c.366 (C.17:48-1 et seq.) or approved for issuance or  
19 renewal in this State by the Commissioner of Insurance on or after the  
20 effective date of this act shall not exclude any person or eligible  
21 dependent and shall not establish any rates or terms therefor on the  
22 basis of an actual or expected health condition or on the basis of any  
23 genetic characteristic. For the purposes of this section, "genetic  
24 characteristic" means any inherited gene or chromosome, or alteration  
25 thereof, that is scientifically or medically believed to predispose an  
26 individual to a disease, disorder or syndrome, or to be associated with  
27 statistically increased risk of development of a disease, disorder or  
28 syndrome.

29  
30        12. (New section) Every individual or group medical service  
31 corporation contract providing hospital or medical expense benefits  
32 that is delivered, issued, executed or renewed in this State pursuant to  
33 P.L.1940, c.74 (C.17:48A-1 et seq.) or approved for issuance or  
34 renewal in this State by the Commissioner of Insurance on or after the  
35 effective date of this act shall not exclude any person or eligible  
36 dependent and shall not establish any rates or terms therefor on the  
37 basis of an actual or expected health condition or on the basis of any  
38 genetic characteristic. For the purposes of this section, "genetic  
39 characteristic" means any inherited gene or chromosome, or alteration  
40 thereof, that is scientifically or medically believed to predispose an  
41 individual to a disease, disorder or syndrome, or to be associated with  
42 statistically increased risk of development of a disease, disorder or  
43 syndrome.

44  
45        13. (New section) Every individual or group health service  
46 corporation contract providing hospital or medical expense benefits

1 that is delivered, issued, executed or renewed in this State pursuant to  
2 P.L.1985, c.236 (C.17:48E-1 et seq.) or approved for issuance or  
3 renewal in this State by the Commissioner of Insurance on or after the  
4 effective date of this act shall not exclude any person or eligible  
5 dependent and shall not establish any rates or terms therefor on the  
6 basis of an actual or expected health condition or on the basis of any  
7 genetic characteristic. For the purposes of this section, "genetic  
8 characteristic" means any inherited gene or chromosome, or alteration  
9 thereof, that is scientifically or medically believed to predispose an  
10 individual to a disease, disorder or syndrome, or to be associated with  
11 statistically increased risk of development of a disease, disorder or  
12 syndrome.

13

14 14. (New section) Every individual health insurance policy  
15 providing hospital and medical expense benefits that is delivered,  
16 issued, executed or renewed in this State pursuant to Chapter 26 of  
17 Title 17B of the New Jersey Statutes or approved for issuance or  
18 renewal in this State by the Commissioner of Insurance on or after the  
19 effective date of this act shall not exclude any person or eligible  
20 dependent and shall not establish any rates or terms therefor on the  
21 basis of an actual or expected health condition or on the basis of any  
22 genetic characteristic. For the purposes of this section, "genetic  
23 characteristic" means any inherited gene or chromosome, or alteration  
24 thereof, that is scientifically or medically believed to predispose an  
25 individual to a disease, disorder or syndrome, or to be associated with  
26 statistically increased risk of development of a disease, disorder or  
27 syndrome.

28

29 15. (New section) Every group health insurance policy providing  
30 hospital or medical expense benefits that is delivered, issued, executed  
31 or renewed in this State pursuant to Chapter 27 of Title 17B of the  
32 New Jersey Statutes or approved for issuance or renewal in this State  
33 by the Commissioner of Insurance on or after the effective date of this  
34 act shall not exclude any person or eligible dependent and shall not  
35 establish any rates or terms therefor on the basis of an actual or  
36 expected health condition or on the basis of any genetic characteristic.  
37 For the purposes of this section, "genetic characteristic" means any  
38 inherited gene or chromosome, or alteration thereof, that is  
39 scientifically or medically believed to predispose an individual to a  
40 disease, disorder or syndrome, or to be associated with statistically  
41 increased risk of development of a disease, disorder or syndrome.

42

43 16. (New section) Every contract for health care services that is  
44 delivered, issued, executed or renewed in this State pursuant to  
45 P.L.1973, c.337 (C.26:2J-1 et seq.) or approved for issuance or  
46 renewal in this State on or after the effective date of this act shall not

1 exclude any person or eligible dependent and shall not establish any  
2 rates or terms therefor on the basis of an actual or expected health  
3 condition or on the basis of any genetic characteristic. For the  
4 purposes of this section, "genetic characteristic" means any inherited  
5 gene or chromosome, or alteration thereof, that is scientifically or  
6 medically believed to predispose an individual to a disease, disorder or  
7 syndrome, or to be associated with statistically increased risk of  
8 development of a disease, disorder or syndrome.

9

10 17. This act shall take effect immediately and the provisions of  
11 sections 6 and 7 shall apply to genetic information obtained on or after  
12 the effective date of this act.

13

14

15

16

17 The "Genetic Privacy Act."