

[First Reprint]
SENATE, No. 2173

STATE OF NEW JERSEY

INTRODUCED JUNE 12, 1997

By Senator SINAGRA

1 AN ACT concerning insurance information practices and
2 supplementing P.L.1985, c.179 (C.17:23A-1 et seq.).

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

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7 1. An insurer who requires an applicant for insurance to submit to
8 medical testing as a condition of issuing, extending or renewing the
9 insurance ¹[and who,] shall obtain the applicant's written consent for
10 the test. If¹ in the course of the testing ¹the insurer¹ determines that
11 the applicant has a life threatening, reportable communicable disease,
12 ¹the insurer¹ shall promptly notify the applicant ¹[and, when
13 requested, the physician or other medical professional designated by
14 the applicant,]¹ of the determination. The insurer shall also promptly
15 provide the ¹[applicant or designated] Department of Health and
16 Senior Services and a¹ physician or other medical professional
17 ¹designated by the applicant¹ with a copy of the results of the test
18 ¹[and an interpretation of the test results by a qualified professional]¹.

19 The insurer shall provide the notification required pursuant to this
20 section regardless of whether the existence of the disease will result in
21 an adverse underwriting decision for the applicant.

22 For the purposes of this act, "reportable communicable disease"
23 means those diseases required to be reported to the Department of
24 Health and Senior Services pursuant to N.J.A.C.8:57-1.3 through
25 8:57-1.6 and N.J.A.C.8:57-2.2 and 8:57-2.3.

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27 2. The Commissioner of Banking and Insurance shall adopt
28 regulations pursuant to the "Administrative Procedure Act," P.L.1968,
29 c.410 (C.52:14B-1 et seq.) which establish procedures that insurers
30 shall use to notify applicants of test results pursuant to this act.

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

Matter underlined thus is new matter.

Matter enclosed in superscript numerals has been adopted as follows:

¹ Senate SHH committee amendments adopted December 11, 1997.

1 3. This act shall take effect immediately.

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6 Requires insurers to notify applicants for insurance if applicant tests
7 positive for a life threatening, reportable communicable disease.