

SENATE, No. 1125

STATE OF NEW JERSEY 219th LEGISLATURE

INTRODUCED JANUARY 30, 2020

Sponsored by:

Senator JOSEPH F. VITALE

District 19 (Middlesex)

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.



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:*

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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.

46 "Genetic information" means the information about genes, gene
47 products or inherited characteristics that may derive from an
48 individual or family member.

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

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

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

38 g. No person shall make or permit any unfair discrimination
39 against any individual on the basis of the individual's intent to
40 engage in future lawful foreign travel in the issuance, extension or
41 renewal of any policy of life insurance or in the fixing of the rates,
42 terms or conditions therefor. For purposes of this subsection,
43 "unfair discrimination" means any decision to issue, extend, or
44 renew a policy of life insurance or the fixing of rates, terms, or
45 conditions of a life insurance policy, on the basis of the individual's
46 intent to engage in future lawful foreign travel, which is not based
47 on sound actuarial principles or actual or reasonably anticipated
48 experience.

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

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

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

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

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

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17 2. This act shall take effect immediately.

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STATEMENT

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

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

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