

# State of South Dakota

SEVENTY-SIXTH SESSION  
LEGISLATIVE ASSEMBLY, 2001

319E0036

HOUSE COMMERCE COMMITTEE ENGROSSED NO.

**HB 1003** - 02/01/2001

Introduced by: Representatives Monroe, McCoy, and Slaughter and Senators Ham and Madden at the request of the Interim Judiciary Committee

1 FOR AN ACT ENTITLED, An Act to prohibit the use of genetic tests in the offer, sale, or  
2 renewal of certain types of insurance.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

4 Section 1. Terms used in this Act mean:

5 (1) "Genetic test," a test of human DNA, RNA, chromosomes, or genes performed in  
6 order to identify the presence or absence of an inherited variation, alteration, or  
7 mutation which is associated with predisposition to disease, illness, impairment, or  
8 other disorder. Genetic test does not mean a routine physical measurement; a  
9 chemical, blood, or urine analysis; a test for drugs or HIV infection; any test  
10 commonly accepted in clinical practice; or any test performed due to the presence of  
11 signs, symptoms, or other manifestations of a disease, illness, impairment, or other  
12 disorder;

13 (2) "Health carrier," any person who provides health insurance in this state. The term  
14 includes a licensed insurance company, a prepaid hospital or medical service plan, a

1 health maintenance organization, a multiple employer welfare arrangement, a fraternal  
2 benefit contract, or any person providing a plan of health insurance subject to state  
3 insurance regulation;

4 (3) "Health insurance," insurance provided pursuant to chapters 58-17 (except disability  
5 income insurance), 58-17C, 58-18 (except disability income insurance), 58-18B, 58-  
6 38, 58-40, and 58-41; and

7 (4) "Individual," an applicant for coverage or a person already covered by a health carrier.

8 Section 2. No health carrier, in determining eligibility for coverage, establishing premiums,  
9 limiting coverage, renewing coverage, or any other underwriting decision, may, in connection  
10 with the offer, sale, or renewal of health insurance:

11 (1) Require or request an individual or a blood relative of the individual to take a genetic  
12 test; or

13 (2) Take into consideration the fact that a genetic test was refused by an individual or a  
14 blood relative of the individual.