**South Carolina General Assembly**

125th Session, 2023-2024

**H. 4218**

**STATUS INFORMATION**

General Bill

Sponsors: Reps. Pope, Sandifer, Carter, Kirby, Jefferson and Hardee

Document Path: LC-0225PH23.docx

Introduced in the House on March 29, 2023

Introduced in the Senate on March 12, 2024

Last Amended on March 6, 2024

Currently residing in the Senate Committee on **Banking and Insurance**

Summary: Genetic protection

**HISTORY OF LEGISLATIVE ACTIONS**

 Date Body Action Description with journal page number

 3/29/2023 House Introduced and read first time (House Journal‑page 72)

 3/29/2023 House Referred to Committee on **Labor, Commerce and Industry** (House Journal‑page 72)

 2/6/2024 House Member(s) request name added as sponsor: Sandifer

 2/13/2024 House Member(s) request name added as sponsor: Carter

 2/14/2024 House Member(s) request name added as sponsor: Kirby,
 Jefferson, Hardee

 2/28/2024 House Committee report: Favorable with amendment **Labor, Commerce and Industry** (House Journal‑page 6)

 3/1/2024 Scrivener's error corrected

 3/6/2024 House Amended (House Journal‑page 30)

 3/6/2024 House Read second time (House Journal‑page 30)

 3/6/2024 House Roll call Yeas-102 Nays-0 (House Journal‑page 33)

 3/7/2024 House Read third time and sent to Senate (House Journal‑page 18)

 3/12/2024 Senate Introduced and read first time (Senate Journal‑page 6)

 3/12/2024 Senate Referred to Committee on **Banking and Insurance** (Senate Journal‑page 6)

View the latest  [legislative information](https://www.scstatehouse.gov/billsearch.php?billnumbers=4218&session=125&summary=B)  at the website

**VERSIONS OF THIS BILL**

[03/29/2023](https://www.scstatehouse.gov/sess125_2023-2024/prever/4218_20230329.docx)

[02/28/2024](https://www.scstatehouse.gov/sess125_2023-2024/prever/4218_20240228.docx)

[03/01/2024](https://www.scstatehouse.gov/sess125_2023-2024/prever/4218_20240301.docx)

[03/06/2024](https://www.scstatehouse.gov/sess125_2023-2024/prever/4218_20240306.docx)

Amended

March 06, 2024

H. 4218

Introduced by Reps. Pope, Sandifer, Carter, Kirby, Jefferson and Hardee

S. Printed 03/06/24--H.

Read the first time March 29, 2023

\_\_\_\_\_\_\_\_

A bill

TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ADDING SECTIONS 38‑63‑110, 38‑65‑130, 38‑71‑300, AND 38‑72‑110 ALL SO AS TO DEFINE TERMS AND TO PROHIBIT CERTAIN INSURERS FROM CANCELING, LIMITING, OR DENYING COVERAGE, OR ESTABLISHING DIFFERENTIALS IN PREMIUM RATES BASED UPON GENETIC INFORMATION.

 Amend Title To Conform

Be it enacted by the General Assembly of the State of South Carolina:

SECTION 1. Article 1, Chapter 63, Title 38 of the S.C. Code is amended by adding:

 Section 38‑63‑110. (A) For purposes of this section:

 (1) “Genetic information” means information derived from genetic testing to determine the presence or absence of variations or mutations, including carrier status, in an individual’s genetic material or genes that are scientifically or medically believed to cause a disease, disorder, or syndrome, or are associated with a statistically increased risk of developing a disease, disorder, or syndrome, which is asymptomatic at the time of testing. Such testing does not include routine physical examinations or chemical, blood, or urine analysis, unless conducted purposefully to obtain genetic information, or answer questions regarding family history.

 (2) “Life insurer” is an insurer providing life insurance, as defined in Section 38‑1‑20(35).

 (B) A life insurer shall not require an individual to whom the insurer provides life insurance coverage, or an individual who applies for life insurance coverage, to take a genetic test as a precondition of insurability and shall not require the complete genome sequencing of an individual’s DNA.

 (C) A life insurer shall not request, obtain, or use an individual’s genetic information for underwriting purposes without first obtaining the individual's signed, written consent.

 (D) Provided that an individual’s signed, written consent is obtained, no life insurer authorized to transact insurance in this State may cancel, limit, or deny coverage based solely on an individual’s genetic information.

 (E) This section does not apply to the underwriting or issuance of an accident‑only policy, hospital indemnity or fixed indemnity policy, dental policy, or vision policy or any other actions of an insurer directly related to an accident‑only policy, hospital indemnity or fixed indemnity policy, dental policy, or vision policy.

 (F) Nothing in this section may be construed as preventing a life insurer from accessing an individual’s medical record as part of an application exam. Nothing in this section prohibits a life insurer from considering a medical diagnosis included in an individual’s medical record, even if a diagnosis was made based on the results of genetic testing.

SECTION 2. Article 1, Chapter 65, Title 38 of the S.C. Code is amended by adding:

 Section 38‑65‑130. (A) For purposes of this section:

 (1) “Genetic information” means information derived from genetic testing to determine the presence or absence of variations or mutations, including carrier status, in an individual’s genetic material or genes that are scientifically or medically believed to cause a disease, disorder, or syndrome, or are associated with a statistically increased risk of developing a disease, disorder, or syndrome, which is asymptomatic at the time of testing. Such testing does not include routine physical examinations or chemical, blood, or urine analysis, unless conducted purposefully to obtain genetic information, or answer questions regarding family history.

 (2) “Life insurer” is an insurer providing life insurance, as defined in Section 38‑1‑20(35).

 (B) A life insurer shall not require an individual to whom the insurer provides life insurance coverage, or an individual who applies for life insurance coverage, to take a genetic test as a precondition of insurability and shall not require the complete genome sequencing of an individual’s DNA.

 (C) A life insurer shall not request, obtain, or use an individual’s genetic information for underwriting purposes without first obtaining the individual's signed, written consent.

 (D) Provided that an individual’s signed, written consent is obtained, no life insurer authorized to transact insurance in this State may cancel, limit, or deny coverage based solely on an individual’s genetic information.

 (E) This section does not apply to the underwriting or issuance of an accident‑only policy, hospital indemnity or fixed indemnity policy, dental policy, or vision policy or any other actions of an insurer directly related to an accident‑only policy, hospital indemnity or fixed indemnity policy, dental policy, or vision policy.

 (F) Nothing in this section may be construed as preventing a life insurer from accessing an individual’s medical record as part of an application exam. Nothing in this section prohibits a life insurer from considering a medical diagnosis included in an individual’s medical record, even if a diagnosis was made based on the results of genetic testing.

SECTION 3. Article 1, Chapter 71, Title 38 of the S.C. Code is amended by adding:

 Section 38‑71‑300. (A) For purposes of this section:

 (1) “Genetic information” means information derived from genetic testing to determine the presence or absence of variations or mutations, including carrier status, in an individual’s genetic material or genes that are scientifically or medically believed to cause a disease, disorder, or syndrome, or are associated with a statistically increased risk of developing a disease, disorder, or syndrome, which is asymptomatic at the time of testing. Such testing does not include routine physical examinations or chemical, blood, or urine analysis, unless conducted purposefully to obtain genetic information, or answer questions regarding family history.

 (2) “Health insurer” is an insurer providing accident and health insurance, as defined in Section 38‑1‑20(1).

 (B) A health insurer shall not require an individual to whom the insurer provides health insurance coverage, or an individual who applies for health insurance coverage, to take a genetic test as a precondition of insurability and shall not require the complete genome sequencing of an individual’s DNA.

 (C) A health insurer shall not request, obtain, or use an individual’s genetic information for underwriting purposes without first obtaining the individual's signed, written consent.

 (D) Provided that an individual’s signed, written consent is obtained, no accident and health insurer authorized to transact insurance in this State may cancel, limit, or deny coverage based solely on an individual’s genetic information.

 (E) This section does not apply to the underwriting or issuance of an accident‑only policy, hospital indemnity or fixed indemnity policy, dental policy, or vision policy or any other actions of an insurer directly related to an accident‑only policy, hospital indemnity or fixed indemnity policy, dental policy, or vision policy.

SECTION 4. Chapter 72, Title 38 of the S.C. Code is amended by adding:

 Section 38‑72‑110. (A) For purposes of this section:

 (1) “Genetic information” means information derived from genetic testing to determine the presence or absence of variations or mutations, including carrier status, in an individual’s genetic material or genes that are scientifically or medically believed to cause a disease, disorder, or syndrome, or are associated with a statistically increased risk of developing a disease, disorder, or syndrome, which is asymptomatic at the time of testing. Such testing does not include routine physical examinations or chemical, blood, or urine analysis, unless conducted purposefully to obtain genetic information, or answer questions regarding family history.

 (2) “Long‑term care insurer” is an insurer providing long-term care insurance, as defined in Section 38‑72‑40(1).

 (B) A long-term care insurer shall not require an individual to whom the insurer provides long-term care insurance coverage, or an individual who applies for long-term care insurance coverage, to take a genetic test as a precondition of insurability and shall not require the complete genome sequencing of an individual’s DNA.

 (C) A long-term care insurer shall not request, obtain, or use an individual’s genetic information for underwriting purposes without first obtaining the individual's signed, written consent.

 (D) Provided that an individual’s signed, written consent is obtained, no long‑term care insurer authorized to transact insurance in this State may cancel, limit, or deny coverage based solely on an individual’s genetic information.

 (E) This section does not apply to the underwriting or issuance of an accident‑only policy, hospital indemnity or fixed indemnity policy, dental policy, or vision policy or any other actions of an insurer directly related to an accident‑only policy, hospital indemnity or fixed indemnity policy, dental policy, or vision policy.

 (F) Nothing in this section may be construed as preventing a long‑term care insurer from accessing an individual’s medical record as part of an application exam. Nothing in this section prohibits a life insurer from considering a medical diagnosis included in an individual’s medical record, even if a diagnosis was made based on the results of genetic testing.

SECTION 5. This act takes effect upon approval by the Governor.

‑‑‑‑XX‑‑‑‑