

LEGISLATURE OF NEBRASKA
ONE HUNDRED NINTH LEGISLATURE
FIRST SESSION

LEGISLATIVE BILL 338

Introduced by Wordekemper, 15.

Read first time January 16, 2025

Committee: Banking, Commerce and Insurance

- 1 A BILL FOR AN ACT relating to insurance; to prohibit the use of genetic
- 2 information for purposes of determining eligibility, setting premium
- 3 rates, or imposing preexisting condition exclusions for life
- 4 insurance, disability insurance, or long-term care insurance.
- 5 Be it enacted by the people of the State of Nebraska,

1 **Section 1.** The Legislature hereby finds that:

2 (1) Recent advances in genetic science have led to improvements in
3 the diagnosis, treatment, and understanding of a significant number of
4 human diseases;

5 (2) Genetic testing can help individuals take steps to avoid disease
6 entirely or identify disease earlier, maximizing an individual's health
7 and lifespan and reducing health care costs for patients, families, and
8 communities in the long term;

9 (3) Concerns about ability to access insurance create a disincentive
10 from seeking genetic testing for some individuals, preventing the full
11 realization of opportunity for genetic testing;

12 (4) The Genetic Information Nondiscrimination Act of 2008, 29 U.S.C.
13 1182, prohibits genetic information from being used as a condition of
14 eligibility, to set premium rates, or impose preexisting condition
15 exclusions for health insurance;

16 (5) The intent of section 2 of this act is to reduce barriers to the
17 benefits of genetic testing by protecting genetic information from being
18 used to impact access to life insurance, group disability insurance, or
19 long-term care insurance coverage.

20 **Sec. 2.** (1) In the absence of clinical diagnosis of a condition,
21 life insurers, disability insurers, and long-term care insurers shall
22 not:

23 (a) Cancel, limit, or deny coverage, or establish differentials in
24 premium rates based on genetic information collected, used, or stored for
25 health care treatment; or

26 (b) Require or solicit genetic information, use genetic test
27 results, or consider an individual's decision or action relating to
28 genetic testing in any manner or for any purpose related to life
29 insurance, disability insurance, or long-term care insurance.

30 (2) Nothing in this section shall be construed to:

31 (a) Prevent life insurers, disability insurers, and long-term care

1 insurers from reviewing an individual's medical record as part of an
2 application exam;

3 (b) Prohibit requiring an applicant for insurance coverage to answer
4 questions regarding family history; or

5 (c) Prohibit a life insurer, disability insurer, or long-term care
6 insurer from considering a clinical diagnosis included in an individual's
7 medical record for insurance purposes.

8 (3) For the purposes of this section:

9 (a) Genetic information has the same meaning as defined in section
10 48-236; and

11 (b) Genetic test has the same meaning as defined in section 48-236.