

One Hundred Ninth Legislature - First Session - 2025

Introducer's Statement of Intent

LB338

Chairperson: Senator Mike Jacobson

Committee: Banking, Commerce and Insurance

Date of Hearing: February 11, 2025

The following constitutes the reasons for this bill and the purposes which are sought to be accomplished thereby:

Genetic screening provides powerful information to patients about their health risks based upon their DNA, which allows them to take action to improve their health, prevent disease or detect disease early while it is more treatable. The intent of LB338 is to protect the privacy of a patient's genetic information to remove barriers to genetic screening. Federal law already protects genetic information for most health insurance and employment purposes. There is no such protection for other types of insurance.

LB 338 provides that, in the absence of clinical diagnosis of a condition, life insurers, disability insurers, and long-term care insurers shall not:

- (a) Cancel, limit, or deny coverage, or establish differentials in premium rates based on genetic information collected, used, or stored for health care treatment; or
- (b) Require or solicit genetic information, use genetic test results, or consider an individual's decision or action relating to genetic testing in any manner or for any purpose related to life insurance, disability insurance, or long-term care insurance.

Nothing LB 338 shall be construed to:

- (a) Prevent life insurers, disability insurers, and long-term care insurers from reviewing an individual's medical record as part of an application exam;
- (b) Prohibit requiring an applicant for insurance coverage to answer questions regarding family history; or
- (c) Prohibit a life insurer, disability insurer, or long-term care insurer from considering a clinical diagnosis included in an individual's medical record for insurance purposes.

Principal Introducer: _____

Senator Dave Wordekemper