

***LEGISLATIVE HISTORY CHECKLIST***

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**LAWS OF:** 1998

**CHAPTER:** 18

**NJSA:** 17:23A-13.1 to 17:23A-13.2  
"Communicable diseases -- notification"

**BILL NO:** S469 (Substituted for A659)

**SPONSOR(S):** Sinagra

**DATE INTRODUCED:** February 10, 1998

**COMMITTEE:**

*ASSEMBLY:* ~~~~

*SENATE:* Health

**AMENDED DURING PASSAGE:** Yes

**DATE OF PASSAGE:**

*ASSEMBLY:* March 23, 1998

*SENATE:* March 19, 1998

**DATE OF APPROVAL:** May 7, 1998

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**THE FOLLOWING ARE ATTACHED IF AVAILABLE:**

**FINAL TEXT OF BILL:** 2<sup>nd</sup> reprint  
(Amendments during passage denoted by superscript numbers)

**S469**

**SPONSORS STATEMENT:** *Yes* (Begins on page 2 of original bill)

**COMMITTEE STATEMENT:**

*ASSEMBLY: No*

**SENATE:** *Yes*

**FLOOR AMENDMENT STATEMENTS:** *Yes*

**LEGISLATIVE FISCAL ESTIMATE:** *No*

**A659**

**SPONSORS STATEMENT:** *Yes* (Begins on page 2 of original bill)  
(Bill and Sponsors Statement identical to S469)

**COMMITTEE STATEMENT:**

**ASSEMBLY:** *Yes*

**SENATE:** *No*

**FLOOR AMENDMENT STATEMENTS:** *No*

**LEGISLATIVE FISCAL ESTIMATE:** *No*

**VETO MESSAGE:** *No*

**GOVERNOR'S PRESS RELEASE ON SIGNING:** *Yes*

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**THE FOLLOWING WERE PRINTED:**

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**REPORTS:** *No*

**HEARINGS:** *No*

**NEWSPAPER ARTICLES:** *No*

[Second Reprint]

**SENATE, No. 469**

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**STATE OF NEW JERSEY**

**208th LEGISLATURE**

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INTRODUCED FEBRUARY 10, 1998

**Sponsored by:**

**Senator JACK SINAGRA**

**District 18 (Middlesex)**

**Co-Sponsored by:**

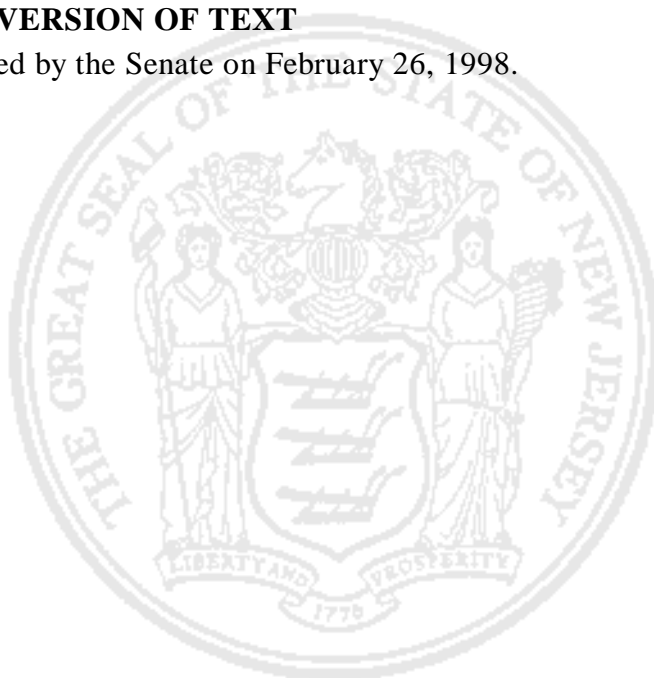
**Assemblywoman Vandervalk and Assemblyman Zecker**

**SYNOPSIS**

Requires insurers to notify applicants for insurance if applicant tests positive for a reportable communicable disease.

**CURRENT VERSION OF TEXT**

As amended by the Senate on February 26, 1998.



**(Sponsorship Updated As Of: 3/24/1998)**

1 AN ACT concerning insurance information practices and supplementing  
2 P.L.1985, c.179 (C.17:23A-1 et seq.).

3

4 **BE IT ENACTED** by the Senate and General Assembly of the State  
5 of New Jersey:

6

7 1. An insurer who requires an applicant for insurance to submit to  
8 medical testing as a condition of issuing, extending or renewing the  
9 insurance shall obtain the applicant's written consent for the test. If  
10 in the course of the testing the insurer determines that the applicant  
11 has a <sup>1</sup>**[life threatening,]**<sup>1</sup> reportable communicable disease, the  
12 insurer shall promptly notify the applicant of the determination <sup>1</sup>and  
13 recommend that the applicant contact a physician or other medical  
14 professional regarding the significance of the test result<sup>1</sup>. The insurer  
15 shall also promptly provide the Department of Health and Senior  
16 Services and a physician or other medical professional designated by  
17 the applicant with a copy of the results of the test. <sup>2</sup>The provisions of  
18 this act shall not be construed to require a physician or other medical  
19 professional who receives a copy of the test result to initiate contact  
20 with the applicant regarding the test result.<sup>2</sup>

21 The insurer shall provide the notification required pursuant to this  
22 section regardless of whether the existence of the disease will result in  
23 an adverse underwriting decision for the applicant.

24 For the purposes of this act, "reportable communicable disease"  
25 means those diseases required to be reported to the Department of  
26 Health and Senior Services pursuant to N.J.A.C.8:57-1.3 through  
27 8:57-1.6 and N.J.A.C.8:57-2.2 and 8:57-2.3.

28

29 2. The Commissioner of Banking and Insurance<sup>1</sup> in consultation  
30 with the Commissioner of Health and Senior Services,<sup>1</sup> shall adopt  
31 regulations pursuant to the "Administrative Procedure Act," P.L.1968,  
32 c.410 (C.52:14B-1 et seq.) which establish procedures that insurers  
33 shall use to notify applicants of test results pursuant to this act.

34

35 3. This act shall take effect immediately.

**EXPLANATION - Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and intended to be omitted in the law.**

**Matter underlined thus is new matter.**

**Matter enclosed in superscript numerals has been adopted as follows:**

<sup>1</sup> Senate SHH committee amendments adopted February 23, 1998.

<sup>2</sup> Senate floor amendments adopted February 26, 1998.

**SENATE, No. 469**

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**STATE OF NEW JERSEY**  
**208th LEGISLATURE**

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INTRODUCED FEBRUARY 10, 1998

**Sponsored by:**  
**Senator JACK SINAGRA**  
**District 18 (Middlesex)**

**SYNOPSIS**

Requires insurers to notify applicants for insurance if applicant tests positive for a life threatening, reportable communicable disease.

**CURRENT VERSION OF TEXT**

As introduced.



1 AN ACT concerning insurance information practices and  
2 supplementing P.L.1985, c.179 (C.17:23A-1 et seq.).

3  
4 **BE IT ENACTED** by the Senate and General Assembly of the State  
5 of New Jersey:

6  
7 1. An insurer who requires an applicant for insurance to submit to  
8 medical testing as a condition of issuing, extending or renewing the  
9 insurance shall obtain the applicant's written consent for the test. If  
10 in the course of the testing the insurer determines that the applicant  
11 has a life threatening, reportable communicable disease, the insurer  
12 shall promptly notify the applicant of the determination. The insurer  
13 shall also promptly provide the Department of Health and Senior  
14 Services and a physician or other medical professional designated by  
15 the applicant with a copy of the results of the test.

16 The insurer shall provide the notification required pursuant to this  
17 section regardless of whether the existence of the disease will result in  
18 an adverse underwriting decision for the applicant.

19 For the purposes of this act, "reportable communicable disease"  
20 means those diseases required to be reported to the Department of  
21 Health and Senior Services pursuant to N.J.A.C.8:57-1.3 through  
22 8:57-1.6 and N.J.A.C.8:57-2.2 and 8:57-2.3.

23  
24 2. The Commissioner of Banking and Insurance shall adopt  
25 regulations pursuant to the "Administrative Procedure Act," P.L.1968,  
26 c.410 (C.52:14B-1 et seq.) which establish procedures that insurers  
27 shall use to notify applicants of test results pursuant to this act.

28  
29 3. This act shall take effect immediately.

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31  
32 STATEMENT

33  
34 This bill provides that an insurer who requires an applicant for  
35 insurance to submit to medical testing as a condition of issuing,  
36 extending or renewing the insurance policy shall obtain the applicant's  
37 written consent for the test. If, in the course of the testing, the insurer  
38 determines that the applicant has a life threatening, reportable  
39 communicable disease, the insurer shall promptly notify the applicant  
40 and provide the Department of Health and Senior Services and a  
41 physician or other medical professional designated by the applicant  
42 with a copy of the test result.

43 The insurer is required to provide this notification regardless of  
44 whether the existence of the disease will result in an adverse  
45 underwriting decision for the applicant.

46 The purpose of this bill is to ensure that if in the course of

1 performing medical testing on an applicant for insurance (typically life  
2 or disability insurance), the insurer determines that the applicant has  
3 a disease such as HIV or AIDS, the applicant who may be unaware  
4 that he has the disease is notified of the medical test results and is able  
5 to take appropriate measures to treat and contain the spread of the  
6 disease.

# SENATE HEALTH COMMITTEE

## STATEMENT TO

### **SENATE, No. 469**

with committee amendments

# **STATE OF NEW JERSEY**

DATED: FEBRUARY 23, 1998

The Senate Health Committee reports favorably and with committee amendments Senate Bill No. 469.

As amended by committee, this bill provides that an insurer who requires an applicant for insurance to submit to medical testing as a condition of issuing, extending or renewing the insurance policy shall obtain the applicant's written consent for the test. If, in the course of the testing, the insurer determines that the applicant has a reportable communicable disease, the insurer shall promptly notify the applicant and recommend that the applicant contact a physician or other medical professional regarding the significance of the test result. The insurer is also required to provide the Department of Health and Senior Services and a physician or other medical professional designated by the applicant with a copy of the test result.

The insurer is required to provide this notification regardless of whether the existence of the disease will result in an adverse underwriting decision for the applicant.

The purpose of this bill is to ensure that if in the course of performing medical testing on an applicant for insurance (typically life or disability insurance), the insurer determines that the applicant has a disease such as HIV or AIDS, the applicant who may be unaware that he has the disease is notified of the medical test results and is able to take appropriate measures to treat and contain the spread of the disease.

The bill directs the Commissioner of Banking and Insurance, in consultation with the Commissioner of Health and Human Services, to adopt regulations which establish procedures that insurers shall use to notify applicants of positive test results.

The committee amended the bill to provide that an insurer notify the applicant when the applicant tests positive for any reportable communicable disease, rather than only life threatening, reportable communicable diseases, and to include the requirement that the insurer recommend that the applicant contact a physician or other medical professional regarding the significance of the test result. Amendments also provide that the Commissioner of Banking and Insurance shall adopt regulations in consultation with the Commissioner of Health and Senior Services.



STATEMENT TO

[First Reprint]

**SENATE, No. 469**

with Senate Floor Amendments  
(Proposed By Senator SINAGRA)

ADOPTED: FEBRUARY 26, 1998

This bill requires insurance companies which require applicants for insurance to undergo medical testing to notify the applicant if he tests positive for any reportable communicable disease and to notify the physician or other medical professional designated by the applicant of the test results.

These amendments clarify that the provisions of the bill shall not be construed to require a physician or other medical professional who receives a copy of the test result to initiate contact with the applicant regarding the test result.

# ASSEMBLY, No. 659

## STATE OF NEW JERSEY 208th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 1998 SESSION

**Sponsored by:**

**Assemblywoman CHARLOTTE VANDERVALK**

**District 39 (Bergen)**

**Assemblyman GERALD H. ZECKER**

**District 34 (Essex and Passaic)**

**SYNOPSIS**

Requires insurers to notify applicants for insurance if applicant tests positive for a life threatening, reportable communicable disease.

**CURRENT VERSION OF TEXT**

Introduced Pending Technical Review by Legislative Counsel.



1 AN ACT concerning insurance information practices and  
2 supplementing P.L.1985, c.179 (C.17:23A-1 et seq.).

3

4 **BE IT ENACTED** by the Senate and General Assembly of the State  
5 of New Jersey:

6

7 1. An insurer who requires an applicant for insurance to submit to  
8 medical testing as a condition of issuing, extending or renewing the  
9 insurance shall obtain the applicant's written consent for the test. If  
10 in the course of the testing the insurer determines that the applicant  
11 has a life threatening, reportable communicable disease, the insurer  
12 shall promptly notify the applicant of the determination. The insurer  
13 shall also promptly provide the Department of Health and Senior  
14 Services and a physician or other medical professional designated by  
15 the applicant with a copy of the results of the test.

16 The insurer shall provide the notification required pursuant to this  
17 section regardless of whether the existence of the disease will result in  
18 an adverse underwriting decision for the applicant.

19 For the purposes of this act, "reportable communicable disease"  
20 means those diseases required to be reported to the Department of  
21 Health and Senior Services pursuant to N.J.A.C.8:57-1.3 through  
22 8:57-1.6 and N.J.A.C.8:57-2.2 and 8:57-2.3.

23

24 2. The Commissioner of Banking and Insurance shall adopt  
25 regulations pursuant to the "Administrative Procedure Act," P.L.1968,  
26 c.410 (C.52:14B-1 et seq.) which establish procedures that insurers  
27 shall use to notify applicants of test results pursuant to this act.

28

29 3. This act shall take effect immediately.

30

31

32

#### STATEMENT

33

34 This bill provides that an insurer who requires an applicant for  
35 insurance to submit to medical testing as a condition of issuing,  
36 extending or renewing the insurance policy shall obtain the applicant's  
37 written consent for the test. If, in the course of the testing, the insurer  
38 determines that the applicant has a life threatening, reportable  
39 communicable disease, the insurer shall promptly notify the applicant  
40 and provide the Department of Health and Senior Services and a  
41 physician or other medical professional designated by the applicant  
42 with a copy of the test result.

43 The insurer is required to provide this notification regardless of  
44 whether the existence of the disease will result in an adverse  
45 underwriting decision for the applicant.

46 The purpose of this bill is to ensure that if in the course of

1 performing medical testing on an applicant for insurance (typically life  
2 or disability insurance), the insurer determines that the applicant has  
3 a disease such as HIV or AIDS, the applicant who may be unaware  
4 that he has the disease is notified of the medical test results and is able  
5 to take appropriate measures to treat and contain the spread of the  
6 disease.

# ASSEMBLY HEALTH COMMITTEE

## STATEMENT TO

### **ASSEMBLY, No. 659**

with committee amendments

# **STATE OF NEW JERSEY**

DATED: FEBRUARY 23, 1998

The Assembly Health Committee reports favorably and with committee amendments Assembly Bill No. 659.

As amended by the committee, this bill provides that an insurer who requires an applicant for insurance to submit to medical testing as a condition of issuing, extending or renewing the insurance policy shall obtain the applicant's written consent for the test. If, in the course of the testing, the insurer determines that the applicant has a reportable communicable disease, the insurer shall promptly notify the applicant and recommend that the applicant contact a physician or other medical professional regarding the significance of the test result. The insurer shall also provide the Department of Health and Senior Services and a physician or other medical professional designated by the applicant with a copy of the test result. The provisions of this bill shall not be construed to require a physician or other medical professional who receives a copy of the test result to initiate contact with the applicant regarding the test result.

The insurer is required to provide this notification regardless of whether the existence of the disease will result in an adverse underwriting decision for the applicant.

The purpose of this bill is to ensure that if in the course of performing medical testing on an applicant for insurance (typically life or disability insurance), the insurer determines that the applicant has a disease such as HIV infection or AIDS, the applicant who may be unaware that he has the disease is notified of the medical test results and is able to take appropriate measures to treat and contain the spread of the disease.

The committee amendments:

- expand the insurer notification requirement to apply to any reportable communicable disease as specified by regulation of the Department of Health and Senior Services, whether life threatening or not;
- provide that the insurer's notification to an applicant whom the insurer determines has a reportable communicable disease, shall include a recommendation that the applicant contact a physician or

other medical professional regarding the significance of the test result;

- stipulate that the provisions of this bill shall not be construed to require a physician or other medical professional who receives a copy of the test result to initiate contact with the applicant regarding the test result; and
- require the Commissioner of Banking and Insurance to consult with the Commissioner of Health and Senior Services in adopting regulations which establish procedures that insurers shall use to notify applicants of test results pursuant to this bill.

This bill was prefiled for introduction in the 1998-99 session pending technical review. As reported, the bill includes the changes required by technical review which has been performed.

*Office of the Governor*  
**NEWS RELEASE**

PO BOX 004  
TRENTON, NJ 08625

CONTACT: Jayne O'Connor  
Julie Plocinik  
609-777-2600

RELEASE: May 7, 1998

Gov. Christie Whitman today signed legislation that requires insurers to notify applicants for insurance if the applicant tests positive for a reportable communicable disease.

Under the law, if the insurer determines that an applicant has a reportable communicable disease, the insurer must promptly notify the applicant and provide test results information to the applicant's physician and the Department of Health and Senior Services.

The legislation, S-469, was sponsored by Senator Jack Sinagra (R-Middlesex) and Assembly Members Charolotte Vandervalk (R-Bergen ) and Gerald Zecker (R-Essex/ Passaic).