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REPORTS: No

HEARINGS: No

NEWSPAPER ARTICLES: Yes

"NJ life insurance to travel anywhere with you," Gloucester County Times, 3-27-08, p.____

"Law bars life insurance denial based on travel," Home News Tribune, 3-27-08, p.____

"NJ law bars life insurance denials based on travel," The Trentonian, 3-27-08, p.19

"Law bars travel-based insurance denials," Courier News, 3-27-08, p.____

LAW

P.L. 2008, CHAPTER 4, *approved March 26, 2008*
Assembly, No. 1586

1 AN ACT concerning life insurance policies and amending
2 N.J.S.17B:30-12.

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

6
7 1. N.J.S.17B:30-12 is amended to read as follows:

8 17B:30-12. a. No person shall discriminate against any person
9 or group of persons because of race, creed, color, national origin or
10 ancestry of such person or group of persons in the issuance,
11 withholding, extension or renewal of any policy of life or health
12 insurance or annuity or in the fixing of the rates, terms or conditions
13 therefor, or in the issuance or acceptance of any application
14 therefor.

15 b. No person shall use any form of policy of life or health
16 insurance or contract of annuity which expresses, directly or
17 indirectly, any limitation, or discrimination as to race, creed, color,
18 national origin or ancestry or any intent to make any such limitation
19 or discrimination.

20 c. No person shall make or permit any unfair discrimination
21 between individuals of the same class and equal expectation of life
22 in the rates charged for any policy of life insurance or contract of
23 annuity or in the dividends or other benefits payable thereon, or in
24 any other of the terms and conditions of such policy of life
25 insurance or contract of annuity.

26 d. No person shall make or permit any unfair discrimination
27 between individuals of the same class and of essentially the same
28 hazard in the amount of premium, policy fees, or rates charged for
29 any policy or contract of health insurance or in the benefits payable
30 thereunder, or in any of the terms or conditions of such policy or
31 contract, or in any other manner whatever.

32 e. (1) No person shall discriminate against any individual on
33 the basis of genetic information or the refusal to submit to a genetic
34 test or make available the results of a genetic test to the person in
35 the issuance, withholding, extension or renewal of any hospital
36 confinement or other supplemental limited benefit insurance, as
37 defined by regulation of the commissioner, or in the fixing of the
38 rates, terms or conditions therefor, or in the issuance or acceptance
39 of any application therefor.

40 (2) As used in this subsection and subsection f. of this section:

41 "Genetic characteristic" means any inherited gene or
42 chromosome, or alteration thereof, that is scientifically or medically

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

Matter underlined thus is new matter.

1 believed to predispose an individual to a disease, disorder or
2 syndrome, or to be associated with a statistically significant
3 increased risk of development of a disease, disorder or syndrome.

4 "Genetic information" means the information about genes, gene
5 products or inherited characteristics that may derive from an
6 individual or family member.

7 "Genetic test" means a test for determining the presence or
8 absence of an inherited genetic characteristic in an individual,
9 including tests of nucleic acids such as DNA, RNA and
10 mitochondrial DNA, chromosomes or proteins in order to identify a
11 predisposing genetic characteristic.

12 f. No person shall make or permit any unfair discrimination
13 against an individual in the application of the results of a genetic
14 test or genetic information in the issuance, withholding, extension
15 or renewal of a policy of life insurance, including credit life
16 insurance, an annuity, disability income insurance contract or credit
17 accident insurance coverage. If the commissioner has reason to
18 believe that such unfair discrimination has occurred, including that
19 application of the results of a genetic test is not reasonably related
20 to anticipated claim experience, and that a proceeding by the
21 commissioner would be in the interest of the public, the
22 commissioner shall, in accordance with the provisions of
23 N.J.S.17B:30-1 et seq., issue and serve upon the insurer a statement
24 of the charges. Upon a determination that the practice or act of the
25 insurer is in conflict with the provisions of this subsection, the
26 commissioner shall issue an order requiring the insurer to cease and
27 desist from engaging in the practice or act and may order payment
28 of a penalty consistent with the provisions of N.J.S.17B:30-1 et seq.

29 If, in the issuance, withholding, extension or renewal of any
30 policy of life insurance, including credit life insurance, an annuity,
31 disability income insurance contract or credit accident insurance
32 coverage, an insurer will use the results of a genetic test in
33 compliance with this subsection, the insurer shall notify the
34 individual who is the subject of the genetic test that such a test shall
35 be required and shall obtain the individual's written informed
36 consent for the test prior to the administration of the test, in
37 accordance with the requirements of P.L.1985, c.179 (C.17:23A-1
38 et seq.). The insurer shall also provide that the physician or other
39 health care professional designated by the individual shall promptly
40 receive a copy of the results of the test and, if required, an
41 interpretation of the test results by a qualified professional, and that
42 the individual shall state in writing whether the individual elects to
43 be informed of the results of the test.

44 g. No person shall make or permit any unfair discrimination
45 against any individual on the basis of the individual's intent to
46 engage in future lawful foreign travel in the issuance, extension or
47 renewal of any policy of life insurance or in the fixing of the rates.

1 terms or conditions therefor. For purposes of this subsection,
2 “unfair discrimination” means any decision to issue, extend, or
3 renew a policy of life insurance or the fixing of rates, terms, or
4 conditions of a life insurance policy, on the basis of the individual’s
5 intent to engage in future lawful foreign travel, which is not based
6 on sound actuarial principles or actual or reasonably anticipated
7 experience.

8 h. Nothing contained in this section shall be construed to
9 require any agent or company to take or receive the application for
10 insurance or annuity of any person or to issue a policy of insurance
11 or contract of annuity to any person.

12 (cf: P.L.1996, c.126, s.3)

13

14 2. This act shall take effect immediately.

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19 Prohibits unfair discrimination in the issuance, renewal, or rating
20 of life insurance policies based on future foreign travel.

ASSEMBLY, No. 1586

STATE OF NEW JERSEY 213th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2008 SESSION

Sponsored by:

Assemblyman NEIL M. COHEN

District 20 (Union)

Co-Sponsored by:

Assemblymen Vas and Connors

SYNOPSIS

Prohibits unfair discrimination in the issuance, renewal, or rating of life insurance policies based on future foreign travel.

CURRENT VERSION OF TEXT

Introduced Pending Technical Review by Legislative Counsel



1 AN ACT concerning life insurance policies and amending
2 N.J.S.17B:30-12.

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

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7 1. N.J.S.17B:30-12 is amended to read as follows:

8 17B:30-12. a. No person shall discriminate against any person
9 or group of persons because of race, creed, color, national origin or
10 ancestry of such person or group of persons in the issuance,
11 withholding, extension or renewal of any policy of life or health
12 insurance or annuity or in the fixing of the rates, terms or conditions
13 therefor, or in the issuance or acceptance of any application
14 therefor.

15 b. No person shall use any form of policy of life or health
16 insurance or contract of annuity which expresses, directly or
17 indirectly, any limitation, or discrimination as to race, creed, color,
18 national origin or ancestry or any intent to make any such limitation
19 or discrimination.

20 c. No person shall make or permit any unfair discrimination
21 between individuals of the same class and equal expectation of life
22 in the rates charged for any policy of life insurance or contract of
23 annuity or in the dividends or other benefits payable thereon, or in
24 any other of the terms and conditions of such policy of life
25 insurance or contract of annuity.

26 d. No person shall make or permit any unfair discrimination
27 between individuals of the same class and of essentially the same
28 hazard in the amount of premium, policy fees, or rates charged for
29 any policy or contract of health insurance or in the benefits payable
30 thereunder, or in any of the terms or conditions of such policy or
31 contract, or in any other manner whatever.

32 e. (1) No person shall discriminate against any individual on the
33 basis of genetic information or the refusal to submit to a genetic test
34 or make available the results of a genetic test to the person in the
35 issuance, withholding, extension or renewal of any hospital
36 confinement or other supplemental limited benefit insurance, as
37 defined by regulation of the commissioner, or in the fixing of the
38 rates, terms or conditions therefor, or in the issuance or acceptance
39 of any application therefor.

40 (2) As used in this subsection and subsection f. of this section:

41 "Genetic characteristic" means any inherited gene or
42 chromosome, or alteration thereof, that is scientifically or medically
43 believed to predispose an individual to a disease, disorder or
44 syndrome, or to be associated with a statistically significant
45 increased risk of development of a disease, disorder or syndrome.

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

Matter underlined thus is new matter.

1 "Genetic information" means the information about genes, gene
2 products or inherited characteristics that may derive from an
3 individual or family member.

4 "Genetic test" means a test for determining the presence or
5 absence of an inherited genetic characteristic in an individual,
6 including tests of nucleic acids such as DNA, RNA and
7 mitochondrial DNA, chromosomes or proteins in order to identify a
8 predisposing genetic characteristic.

9 f. No person shall make or permit any unfair discrimination
10 against an individual in the application of the results of a genetic
11 test or genetic information in the issuance, withholding, extension
12 or renewal of a policy of life insurance, including credit life
13 insurance, an annuity, disability income insurance contract or credit
14 accident insurance coverage. If the commissioner has reason to
15 believe that such unfair discrimination has occurred, including that
16 application of the results of a genetic test is not reasonably related
17 to anticipated claim experience, and that a proceeding by the
18 commissioner would be in the interest of the public, the
19 commissioner shall, in accordance with the provisions of
20 N.J.S.17B:30-1 et seq., issue and serve upon the insurer a statement
21 of the charges. Upon a determination that the practice or act of the
22 insurer is in conflict with the provisions of this subsection, the
23 commissioner shall issue an order requiring the insurer to cease and
24 desist from engaging in the practice or act and may order payment
25 of a penalty consistent with the provisions of N.J.S.17B:30-1 et seq.

26 If, in the issuance, withholding, extension or renewal of any
27 policy of life insurance, including credit life insurance, an annuity,
28 disability income insurance contract or credit accident insurance
29 coverage, an insurer will use the results of a genetic test in
30 compliance with this subsection, the insurer shall notify the
31 individual who is the subject of the genetic test that such a test shall
32 be required and shall obtain the individual's written informed
33 consent for the test prior to the administration of the test, in
34 accordance with the requirements of P.L.1985, c.179 (C.17:23A-1
35 et seq.). The insurer shall also provide that the physician or other
36 health care professional designated by the individual shall promptly
37 receive a copy of the results of the test and, if required, an
38 interpretation of the test results by a qualified professional, and that
39 the individual shall state in writing whether the individual elects to
40 be informed of the results of the test.

41 g. No person shall make or permit any unfair discrimination
42 against any individual on the basis of the individual's intent to
43 engage in future lawful foreign travel in the issuance, extension or
44 renewal of any policy of life insurance or in the fixing of the rates,
45 terms or conditions therefor. For purposes of this subsection,
46 "unfair discrimination" means any decision to issue, extend, or
47 renew a policy of life insurance or the fixing of rates, terms, or

1 conditions of a life insurance policy, on the basis of the individual's
2 intent to engage in future lawful foreign travel, which is not based
3 on sound actuarial principles or actual or reasonably anticipated
4 experience.

5 h. Nothing contained in this section shall be construed to require
6 any agent or company to take or receive the application for
7 insurance or annuity of any person or to issue a policy of insurance
8 or contract of annuity to any person.
9 (cf: P.L.1996, c.126, s.3)

10

11 2. This act shall take effect immediately.

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STATEMENT

15

16 This bill amends the law concerning unfair discrimination in the
17 issuance, renewal, or rating of life insurance policies to prohibit
18 such discrimination against individuals based on their intent to
19 engage in lawful foreign travel at some point in the future. This bill
20 is in response to the situation in which life insurance companies are
21 increasingly using the future lawful travel plans of individuals as a
22 reason to deny issuing or renewing life insurance policies or to
23 charge premiums that are not commensurate with the risk of such
24 future travel plans.

25 The bill defines unfair discrimination to mean issuance, renewal,
26 and rating decisions that are not based on sound actuarial principles
27 or reasonably anticipated experience.

ASSEMBLY FINANCIAL INSTITUTIONS AND INSURANCE
COMMITTEE

STATEMENT TO

ASSEMBLY, No. 1586

STATE OF NEW JERSEY

DATED: JANUARY 24, 2008

The Assembly Financial Institutions and Insurance Committee reports favorably Assembly Bill No. 1586.

This bill amends the law concerning unfair discrimination in the issuance, renewal, or rating of life insurance policies to prohibit such discrimination against individuals based on their intent to engage in lawful foreign travel at some point in the future. This bill is in response to the situation in which life insurance companies are increasingly using the future lawful travel plans of individuals as a reason to deny issuing or renewing life insurance policies or to charge premiums that are not commensurate with the risk of such future travel plans.

The bill defines unfair discrimination to mean issuance, renewal, and rating decisions that are not based on sound actuarial principles or reasonably anticipated experience.

This bill was pre-filed for introduction in the 2008-2009 session pending technical review. As reported, the bill includes the changes required by technical review, which has been performed.

SENATE COMMERCE COMMITTEE

STATEMENT TO

ASSEMBLY, No. 1586

STATE OF NEW JERSEY

DATED: FEBRUARY 21, 2008

The Senate Commerce Committee reports favorably Assembly Bill No. 1586.

This bill amends the law concerning unfair discrimination in the issuance, renewal, or rating of life insurance policies to prohibit such discrimination against individuals based on their intent to engage in lawful foreign travel at some point in the future. This bill is in response to the situation in which life insurance companies are increasingly using the future lawful travel plans of individuals as a reason to deny issuing or renewing life insurance policies or to charge premiums that are not commensurate with the risk of such future travel plans.

The bill defines unfair discrimination to mean issuance, renewal, and rating decisions that are not based on sound actuarial principles or reasonably anticipated experience.

This bill is identical to Senate Bill No. 390, as amended and reported by the committee today.

SENATE, No. 390

STATE OF NEW JERSEY 213th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2008 SESSION

Sponsored by:

Senator NIA H. GILL

District 34 (Essex and Passaic)

SYNOPSIS

Prohibits discrimination in the issuance, renewal or rating of life insurance policies based on future foreign travel.

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Introduced Pending Technical Review by Legislative Counsel



S390 GILL

2

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7 mitochondrial DNA, chromosomes or proteins in order to identify a
8 predisposing genetic characteristic.

9 f. No person shall make or permit any unfair discrimination
10 against an individual in the application of the results of a genetic
11 test or genetic information in the issuance, withholding, extension
12 or renewal of a policy of life insurance, including credit life
13 insurance, an annuity, disability income insurance contract or credit
14 accident insurance coverage. If the commissioner has reason to
15 believe that such unfair discrimination has occurred, including that
16 application of the results of a genetic test is not reasonably related
17 to anticipated claim experience, and that a proceeding by the
18 commissioner would be in the interest of the public, the
19 commissioner shall, in accordance with the provisions of
20 N.J.S.17B:30-1 et seq., issue and serve upon the insurer a statement
21 of the charges. Upon a determination that the practice or act of the
22 insurer is in conflict with the provisions of this subsection, the
23 commissioner shall issue an order requiring the insurer to cease and
24 desist from engaging in the practice or act and may order payment
25 of a penalty consistent with the provisions of N.J.S.17B:30-1 et seq.

26 If, in the issuance, withholding, extension or renewal of any
27 policy of life insurance, including credit life insurance, an annuity,
28 disability income insurance contract or credit accident insurance
29 coverage, an insurer will use the results of a genetic test in
30 compliance with this subsection, the insurer shall notify the
31 individual who is the subject of the genetic test that such a test shall
32 be required and shall obtain the individual's written informed
33 consent for the test prior to the administration of the test, in
34 accordance with the requirements of P.L.1985, c.179 (C.17:23A-1
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36 health care professional designated by the individual shall promptly
37 receive a copy of the results of the test and, if required, an
38 interpretation of the test results by a qualified professional, and that
39 the individual shall state in writing whether the individual elects to
40 be informed of the results of the test.

41 g. No person shall discriminate against any individual on the
42 basis of the individual's intent to engage in future lawful foreign
43 travel in the issuance, withholding, extension or renewal of any
44 policy of life insurance or in the fixing of the rates, terms or
45 conditions therefor, or in the issuance or acceptance of any
46 application therefor.

S390 GILL

1 h. Nothing contained in this section shall be construed to require
2 any agent or company to take or receive the application for
3 insurance or annuity of any person or to issue a policy of insurance
4 or contract of annuity to any person.
5 (cf: P.L.1996, c.126, s.3)

6

7 2. This act shall take effect immediately.

8

9

10

STATEMENT

11

12 This bill amends the law concerning discrimination in the
13 issuance, renewal or rating of life insurance policies to prohibit
14 discrimination against individuals based on their intent to engage in
15 lawful foreign travel at some point in the future. This bill is in
16 response to the situation in which life insurance companies are
17 increasingly using the future lawful travel plans of individuals as a
18 reason to deny issuing or renewing life insurance policies or to
19 charge premiums that are not commensurate with the risk of such
20 future travel plans.

SENATE COMMERCE COMMITTEE

STATEMENT TO

SENATE, No. 390

with committee amendments

STATE OF NEW JERSEY

DATED: FEBRUARY 21, 2008

The Senate Commerce Committee reports favorably and with committee amendments Senate Bill No. 390

This bill, as amended, changes the law concerning unfair discrimination in the issuance, renewal, or rating of life insurance policies to prohibit such discrimination against individuals based on their intent to engage in lawful foreign travel at some point in the future. This bill is in response to the situation in which life insurance companies are increasingly using the future lawful travel plans of individuals as a reason to deny issuing or renewing life insurance policies or to charge premiums that are not commensurate with the risk of such future travel plans.

The bill defines unfair discrimination to mean issuance, renewal, and rating decisions that are not based on sound actuarial principles or reasonably anticipated experience.

The committee amendments to the bill:

- alter the bill's prohibition against discrimination to be a prohibition regarding "unfair discrimination"; and
- define "unfair discrimination" as any decision in the issuance, renewal, and rating of life insurance policies, on the basis of an individual's intent to engage in future lawful foreign travel, which is not based on sound actuarial principles or actual or reasonably anticipated experience.

As amended, this bill is identical to Assembly Bill No. 1586, as reported by the committee today.

This bill was pre-filed for introduction in the 2008-2009 session pending technical review. As reported, the bill includes the changes required by technical review, which has been performed.