

**304.12-085 Denial of insurance because of race, color, religion, national origin, or sex prohibited -- Genetic tests.**

- (1) No person shall, whether acting for himself or another in connection with an insurance transaction, fail or refuse to issue or renew insurance to any person because of race, color, religion, national origin, or sex except that rates determined through valid actuarial tables shall not be violative of KRS Chapter 344.
- (2) In the case of benefits consisting of medical care provided under, offered by, or in connection with a group or individual health benefit plan, the plan or insurer may not deny, cancel, or refuse to renew the benefits or coverage, or vary the premiums, terms, or conditions for the benefits or coverage, for any participant or beneficiary under the plan:
  - (a) On the basis of a genetic test, for which symptoms have not manifested; or
  - (b) On the basis that the participant or beneficiary has requested or received genetic services.
- (3) A group or individual health benefit plan or insurer offering health insurance in connection with a health benefit plan or an insurer offering a disability income plan may not request or require an applicant, participant, or beneficiary to disclose to the plan or insurer any genetic test about the participant, beneficiary, or applicant.
- (4) A group or individual health benefit plan or insurer offering health insurance in connection with a health benefit plan may not disclose any genetic test about a participant or beneficiary without prior authorization by the participant. The authorization is required for each disclosure.
- (5) For purposes of this section, unless the context requires otherwise:
  - (a) "Health benefit plan" has the meaning given it in KRS 304.17A-005; and
  - (b) "Insurer" has the meaning given it in KRS 304.17A-005.

**Effective:** April 10, 1998

**History:** Amended 1998 Ky. Acts ch. 496, sec. 55, effective April 10, 1998. -- Created 1974 Ky. Acts ch. 104, sec. 10, effective June 21, 1974.