Oklahoma HB 3169

Prohibits health insurers, for the purpose of determining eligibility, establishing premiums, limiting coverage, renewing coverage, terminating coverage or any other underwriting decision in connection with the offer, sale or renewal or continuation of a policy, except to the extent and in the same fashion as an insurer limits coverage, or increases premiums for loss caused or contributed to by other medical conditions presenting an increased degree of risk:

1. requiring or requesting any individual to obtain a genetic test; and
2. conditioning the provision of the policy upon a requirement that an individual take a genetic test.

For purposes of distinguishing between or discriminating against or restricting any right or benefit otherwise due or available to an employee or prospective employee, other than in connection with the determination of insurance coverage or benefits, no employer shall:

1. seek to obtain, or use a genetic test or genetic information of the employee or the prospective employee; or

2. require a genetic test of or require genetic information from the employee or prospective employee.

Definition of **genetic information:** Information derived from the results of a genetic test. Genetic information shall not include family history, the results of a routine physical examination or test, the results of a chemical, blood or urine analysis, the results of a test to determine drug use, the results of a test for the presence of the human immunodeficiency virus, or the results of any other test commonly accepted in clinical practice at the time it is ordered by the insurer.

Definition of a **genetic test:** A laboratory test of the DNA, RNA, or chromosomes of an individual for the purpose of identifying the presence or absence of inherited alterations in the DNA, RNA, or chromosomes that cause a predisposition for a clinically recognized disease or disorder. Genetic test does not include: (A) a routine physical examination or a routine test performed as a part of a physical examination; (B) a chemical, blood, or urine analysis; (C) a test to determine drug use; (D) a test for the presence of the human immunodeficiency virus; or (E) any other test commonly accepted in clinical practice at the time it is ordered by the insurer.

Oklahoma House Bill 1368

Provides that all research records of individual subjects in genetic research studies shall be confidential and not subject to subpoena or discovery in civil suits, except where the information in the records is the basis of the suit.

Provides that the confidentiality provisions of the bill shall not apply to an insurer or to an individual or third party dealing with an insurer in the ordinary course of underwriting, conducting or administering the business of life, disability income or long-term care insurance.

Provides that stored tissues can be used for genetic research studies if informed consent has been obtained.

Provides for the publishing or use of results of genetic research studies for research or educational purposes if no individual subject is identified or if specific informed consent from the individual has been obtained.

Definition of **Genetic Research Studies:** Those genetic research studies approved by an institutional review board as defined by 21 CFR, Section 50 or conducted subject to the requirements of the federal common rule at 21 CFR, Section 50 and Section 56, and 45 CFR, Section 46.