ASSEMBLY AMENDMENT 18,

TO ASSEMBLY SUBSTITUTE AMENDMENT 1,

TO 1995 ASSEMBLY BILL 441

September 21, 1995 – Offered by Representative SCHNEIDER.

1   At the locations indicated, amend the substitute amendment as follows:

2   **1.** Page 1, line 6: delete "and providing a penalty" and substitute: ", the use

3   of genetic tests by insurers, prohibiting requiring a woman to obtain an abortion

4   based on the results of genetic testing of the fetus and providing penalties.".

5   **2.** Page 19, line 15: after that line insert:

6   "**SECTION 10g.** 631.89 (title) of the statutes is amended to read:

7   **631.89** (title) **Restrictions on ~~the~~ use of genetic ~~test results~~ tests.**

8   **Section 10h.** 631.89 (1) of the statutes is renumbered 631.89 (1) (intro.) and

9   amended to read:

10   631.89 **(1)** (intro.) In this section,~~ "genetic~~:

11   (a) "Genetic test" means a test ~~using deoxyribonucleic acid extracted from an~~

12   ~~individual's cells in order,~~ including a physical examination of an individual or an

13   examination of the family history of an individual, to determine ~~the presence of a~~

14   ~~genetic disease or disorder or the individual's predisposition for a particular~~ any of

15   the following:

1   1. Whether an individual has a genetic disease or disorder.

2   **Section 10i.** 631.89 (1) (a) 2. of the statutes is created to read:

3   631.89 **(1)** (a) 2. Whether an individual is predisposed to a genetic disease or

4   disorder.

5   **Section 10j.** 631.89 (1) (b) of the statutes is created to read:

6   631.89 **(1)** (b) "Individual" includes an unborn child.

7   **Section 10k.** 631.89 (1) (c) of the statutes is created to read:

8   631.89 **(1)** (c) "Unborn child" has the meaning given in s. 20.927 (4).

9   **Section 10L.** 631.89 (1) (d) of the statutes is created to read:

10   631.89 **(1)** (d) "Underwriting process" means the process of risk evaluation and

11   selection conducted by an insurer, or a person providing health care services for

12   individuals on a self–insured basis, with respect to an individual who is covered

13   under a policy or enrolled in a plan or who is seeking coverage under a policy or

14   enrollment in a plan.

15   **Section 10m.** 631.89 (2) (intro.) of the statutes is amended to read:

16   631.89 **(2)** (intro.) An insurer that offers health care coverage, or a county, city,

17   village or school board that provides health care services for individuals on a

18   self–insured basis, may not, in its underwriting process, do any of the following:

19   **Section 10n.** 631.89 (2) (a) and (b) of the statutes are repealed.

20   **Section 10p.** 631.89 (2) (c) of the statutes is renumbered 631.89 (2) (am) and

21   amended to read:

22   631.89 **(2)** (am) Condition the provision of insurance coverage or health care

23   benefits on whether an individual or a member of the individual's family, including

24   an unborn child, has obtained a genetic test or what the results of the any such test,

25   if obtained by the individual or a member of the individual's family, were.

1   **Section 10q.** 631.89 (2) (d) of the statutes is renumbered 631.89 (2) (bm) and

2   amended to read:

3   631.89 **(2)** (bm) Consider, in the determination of rates or any other aspect of

4   insurance coverage or health care benefits provided to an individual, whether an

5   individual or a member of the individual's family, including an unborn child, has

6   obtained a genetic test or what the results of the any such test, if obtained by the

7   individual or a member of the individual's family, were.

8   **Section 10r.** 631.89 (3) of the statutes is repealed.".

9   **3.** Page 20, line 9: after that line insert:

10   "SECTION **11d.** 940.16 of the statutes is created to read:

11   **940.16 Requiring abortion prohibited.** Whoever requires that or requests

12   directly or indirectly that a woman obtain an abortion because of the results of a

13   genetic test, as defined in s. 631.89 (1) (a), performed on the woman's fetus is guilty

14   of a Class D felony.

15   SECTION **11g. Initial applicability.**

16   (1) PROHIBITION ON REQUIRING AN ABORTION. The treatment of section 940.16 of

17   the statutes first applies to acts occurring on the effective date of this subsection.".

18   **(END)**