

surrender, terminate, retain, pledge, assign, borrow on, or convert a policy or take out a policy with another carrier[.];

(4) REQUEST OR REQUIRE A GENETIC TEST TO:

(i) DENY OR LIMIT THE AMOUNT, EXTENT, OR KIND OF LONG-TERM CARE INSURANCE COVERAGE AVAILABLE TO AN INDIVIDUAL; OR

(ii) CHARGE A DIFFERENT RATE FOR THE SAME LONG-TERM CARE INSURANCE COVERAGE; OR

(5) USE A GENETIC TEST, THE RESULTS OF A GENETIC TEST, GENETIC INFORMATION, OR A REQUEST FOR GENETIC SERVICES TO:

(i) DENY OR LIMIT THE AMOUNT, EXTENT, OR KIND OF LONG-TERM CARE INSURANCE COVERAGE AVAILABLE TO AN INDIVIDUAL; OR

(ii) CHARGE A DIFFERENT RATE FOR THE SAME LONG-TERM CARE INSURANCE.

(C) NOTWITHSTANDING SUBSECTION (B)(5) OF THIS SECTION, IF THE USE IS BASED ON SOUND ACTUARIAL PRINCIPLES, THE RESULTS OF A GENETIC TEST OR GENETIC INFORMATION MAY BE USED TO:

(1) DENY OR LIMIT THE AMOUNT, EXTENT, OR KIND OF LONG-TERM CARE INSURANCE COVERAGE MADE AVAILABLE TO AN INDIVIDUAL; OR

(2) CHARGE A DIFFERENT RATE FOR THE SAME LONG-TERM CARE INSURANCE.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2008.

Approved by the Governor, May 22, 2008.

CHAPTER 632

(House Bill 29)

AN ACT concerning