

Sec. 2. EFFECTIVE DATE.

Section 1 is effective upon the effective date of article 1, section 1.

Presented to the governor April 18, 1994

Signed by the governor April 20, 1994, 1:43 p.m.

CHAPTER 475—S.F.No. 1794

An act relating to insurance; prohibiting insurers from obtaining or using HIV antibody test results arising out of exposure and testing for emergency medical service personnel; amending Minnesota Statutes 1992, section 72A.20, subdivision 29.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

Section 1. Minnesota Statutes 1992, section 72A.20, subdivision 29, is amended to read:

Subd. 29. **HIV TESTS; CRIME VICTIMS.** No insurer regulated under chapter 61A or 62B, or providing health, medical, hospitalization, or accident and sickness insurance regulated under chapter 62A, or nonprofit health services corporation regulated under chapter 62C, health maintenance organization regulated under chapter 62D, or fraternal benefit society regulated under chapter 64B, may:

(1) obtain or use the performance of or the results of a test to determine the presence of the human immune deficiency virus (HIV) antibody performed on an offender under section 611A.19 or performed on a crime victim who was exposed to or had contact with an offender's bodily fluids during commission of a crime that was reported to law enforcement officials, in order to make an underwriting decision, cancel, fail to renew, or take any other action with respect to a policy, plan, certificate, or contract; ~~or~~

(2) obtain or use the performance of or the results of a test to determine the presence of the human immune deficiency virus (HIV) antibody performed on a patient pursuant to sections 144.761 to 144.7691, or performed on emergency medical services personnel pursuant to the protocol under section 144.762, subdivision 2, in order to make an underwriting decision, cancel, fail to renew, or take any other action with respect to a policy, plan, certificate, or contract; for purposes of this clause, "patient" and "emergency medical services personnel" have the meanings given in section 144.761; or

~~(2)~~ (3) ask an applicant for coverage or a person already covered whether the person has had a test performed for the reason set forth in clause (1) or (2).

A question that purports to require an answer that would provide informa-

New language is indicated by underline, deletions by ~~strikeout~~.

tion regarding a test performed for the reason set forth in clause (1) or (2) may be interpreted as excluding this test. An answer that does not mention the test is considered to be a truthful answer for all purposes. An authorization for the release of medical records for insurance purposes must specifically exclude any test performed for the purpose set forth in clause (1) or (2) and must be read as providing this exclusion regardless of whether the exclusion is expressly stated. This subdivision does not affect tests conducted for purposes other than those described in clause (1) or (2), including any test to determine the presence of the human deficiency virus (HIV) antibody if such test was performed at the insurer's direction as part of the insurer's normal underwriting requirements.

Presented to the governor April 18, 1994

Signed by the governor April 20, 1994, 1:52 p.m.

CHAPTER 476—S.F.No. 2255

An act relating to insurance; requiring the commissioner of commerce to conduct a study of pollution coverage in Minnesota farm liability policies and report to the legislature.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

Section 1. POLLUTION COVERAGE AND FARM LIABILITY POLICIES STUDY.

The commissioner of commerce shall conduct a study of pollution coverage offered with or contained in Minnesota basic farm liability policies. The study must:

(1) identify the existing basic farm liability policies offered in the state, the extent to which these policies contain pollution exclusions or pollution liability coverage, and, if pollution liability coverage is provided, the limits of the pollution coverage and availability across the state;

(2) identify the range of farm pollution liability insurance beyond the basic farm liability policy available in the state, the limits and costs of the coverage, and assess whether the range of the policies available provides adequate protection for the farming community;

(3) analyze current industry practices, including the pollution liability claims experience for the insurance industry, the insurance industry's method of assessing pollution liability risk, and whether the risk assessment reflects best farming and insurance practices;

(4) assess the desirability of mandating pollution coverage in basic farm liability insurance, including whether defense costs should be included within the mandate, and taking into consideration the impacts and benefits to both the farming community and the insurance industry;

New language is indicated by underline, deletions by ~~strikeout~~.