

Restrictions to the Use of Genetic Information by Insurers for Life Insurance Underwriting*

*This table is an updated version of the original table from B. M. KNOPPERS, B. GODARD, Y. JOLY, "Life Insurance and Genetics: A Comparative International Overview" in ROTHSTEIN M. (ed.) Life Insurance: Medical Underwriting and Social Policy, Cumberland, MIT Press (in press).

	MORATORIUM	LEGISLATION	GUIDELINES	OTHER	DRAFT
AUSTRIA	No	Yes	No		
AUSTRALIA	Partial Exp : 2005	No	Yes	A bill on genetic privacy was introduced in 1998 but has not yet been accepted.	A joint inquiry on the protection of genetic information has recently been conducted by the Australian Law Reform Commission.
BELGIUM	No	Yes	No		
BULGARIA	No	No	No	Ratified the Oviedo convention 01/08/03.	A constitutional amendment prohibiting genetic discrimination has been introduced in the National Assembly (summer 2002).
CANADA	Partial	No	Yes		
CHILE	No	No	Yes		
CYPRUS	No	No	No	Ratified the Oviedo convention 01/07/02.	
CZECH REPUBLIC	No	No	No	Ratified the Oviedo convention 01/10/01.	
CROATIA	No	No	No	Ratified the Oviedo convention 28/11/03.	
DENMARK	No	Yes	Yes	Ratified the Oviedo convention 01/12/99.	
ESTONIA	No	Yes	No	Ratified the Oviedo convention 01/06/02.	

	MORATORIUM	LEGISLATION	GUIDELINES	OTHER	DRAFT
FINLAND	Yes Unlimited amount Exp: none	No	Yes		
FRANCE	Yes Unlimited amount Exp: 2004	Yes	Yes		
GERMANY	Yes Limited amount Exp: 2006	No	Yes		A parliamentary commission has declared that insurers should not use genetic test results.
GEORGIA	No	Yes	No	Ratified the Oviedo convention 01/03/01.	
GREECE	Partial	No	Yes	Ratified the Oviedo convention 01/12/99.	
HUNGARY	No	No	Yes	Ratified the Oviedo convention 01/05/02.	
ICELAND	No	No	No	A bill has been presented but has not been enacted.	
INDIA	No	No	Yes		
IRELAND	Yes Limited amount Some conditions are excluded Exp:2005	No	No		
ISRAËL	No	Yes	No		
ITALY	No	No	Yes		Guidelines for genetic testing to be adopted shortly by the ministry of health.

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JAPAN	No	No	Yes		<p>The Association of Life insurance Medicine of Japan has a code of practice in preparation.</p> <p>Ministry of health to issue guidelines.</p> <p>Insurers are not allowed to ask for family history information.</p>
LITHUANIA	No	No	No	Ratified the Oviedo convention 17/10/02.	
LUXEMBOURG	No	Yes	Yes		
MOLDOVA	No	No	No	Ratified the Oviedo convention 26/11/02.	
NETHERLAND	No	Yes	Yes		
NEW ZEALAND	Partial	No	Yes		
NORWAY	No	Yes	Yes		
PORTUGAL	No	No	Yes	Ratified the Oviedo convention 13/08/01. Article 13 of the Portuguese Constitution could prevent insurers to discriminate on the basis of genetic test results.	A task force established by the ministry of health has prepared key guidelines addressing genetic testing.
ROMANIA	No	No	No	Ratified the Oviedo convention 01/08/01	
SAN MARINO	No	No	No	Ratified the Oviedo convention 01/12/99.	
SINGAPORE	No	No	Yes		
SLOVAKIA	No	Yes	No	Ratified the Oviedo convention 01/12/99.	

	MORATORIUM	LEGISLATION	GUIDELINES	OTHER	DRAFT
SLOVENIA	No	No	No	Ratified the Oviedo convention 01/12/99.	A Bill is expected to be drawn up in the near future addressing human genetics.
SOUTH AFRICA	Partial	No	Yes		Insurers are not allowed to ask for family history information.
SOUTH KOREA	No	No	No		A Bill prohibiting discrimination in insurance and employment has passed through the national assembly, presidential sanction is planned for February 2005.
SPAIN	No	No	No	Ratified the Oviedo convention 01/01/00. The Spanish constitution could prevent insurers to discriminate on the basis of genetic test results.	Under current law insurers do not have an <i>ex lege</i> right entitling them to gather genetic information concerning a potential applicant.
SWEDEN	Yes Limited amount Exp: Dec 2004	Yes	Yes		
SWITZERLAND	Yes	Yes	Yes		
TAIWAN	No	No	No		Insurers are not allowed to ask for family history information.
TURKEY	Yes ⁽¹⁾	No	No		
UNITED KINGDOM	Yes Limited amount Some conditions are excluded Exp: 2006	No	Yes		
UNITED STATES (federal government)	No	No	No		Several bills addressing genetics and insurance have been drafted, but none enacted.