



SB 961 (Gonzalez) – Equal Insurance HIV Act

SUMMARY

Senate Bill (SB) 961 would prohibit life and disability income insurance companies from denying coverage to HIV-positive individuals solely based on their positive HIV test.

EXISTING LAW

Since 1989, California law has permitted insurers to deny coverage for life or disability income insurance to HIV-positive individuals when the denial is based on positive results of an enzyme-linked immunoassay (ELISA) test followed by a positive Western Blot Assay performed by or at the direction of the insurer. The Western blot test separates the blood proteins and detects the specific proteins (called HIV antibodies) that indicate an HIV infection. The Western blot Assay is used to confirm a positive ELISA test.

Additionally, insurers are not prohibited from declining an application or enrollment request for life or disability income insurance because a medical professional has diagnosed the applicant as having AIDS.

Current California law prohibits unfair discrimination between individuals in the same class and with equal expectation of life for the rates charged, benefits payable, or terms and conditions for life insurance and annuities. (Cal. INS Code § 790.03 (f)(1)).

Current California law also prohibits insurers providing life and disability benefits, including disability income, from refusing to insure, limiting coverage, or charging different rates because of a “physical or mental impairment” unless based on sound actuarial principles. (Cal. INS Code § 10144 and 106(b)(8)).

BACKGROUND/PROBLEM

According to research from the North American AIDS Cohort Collaboration on Research and Design (NA-ACCORD), a 20-year old, HIV-positive person on antiretroviral therapy can now expect to live into their early 70’s. A 2014 study by the Multicenter AIDS Cohort Study (MACS) concluded that people who start antiretroviral therapy early should be able to have a life expectancy equal to or even greater than that of the general population.

Some insurance application denials are based on outdated survival statistic bias that allows discrimination against individuals who are HIV-positive based on test results only, not considering other health and wellness factors. HIV positive individuals are living longer, healthier lives than before, their need for life and disability income insurance is imperative for them to protect themselves and their loved ones.

SOLUTION

SB 961 would delete all references in statute to outdated HIV tests and ban HIV test discrimination when writing life insurance and disability income insurance policies.

SUPPORT

Insurance Commissioner Ricardo Lara (Co-Sponsor)
Equality California (Co-Sponsor)

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