

October 14, 2025

The Honorable Brenda Carter, Chair
Life Insurance & Financial Planning Committee
National Council of Insurance Legislators
c/o Will Melofchik, CEO
via email: wmelofchik@ncoil.org

Dear Chair Carter and Distinguished Committee Members:

Thank you for your thoughtful work on genetic testing and life insurance and for considering the NCOIL Model Act Regarding Life Insurers' Use of Genetic Information, which ACLI supports as introduced.

At the 2025 NCOIL summer national meeting in Chicago, Mr. Alex Meixner, VP of State Policy at the Amyotrophic Lateral Sclerosis (ALS) Association, and Ms. Jan Graeber, Senior Health Actuary at ACLI, gave presentations on the use of genetic information in life insurance underwriting. As noted by Mr. Meixner and Ms. Graeber, ACLI and the ALS Association share the goals of supporting people's long-term health and wellbeing, empowering individuals and families through greater access to genetic testing, and ensuring that individuals can continue to obtain affordable life insurance. We would like to take this opportunity to respond to and expand upon three points made by Mr. Meixner in his July 17 presentation, while underscoring where patient advocates and the life insurance industry align.

Risk is Not Destiny

Before issuing a policy, a life insurer must evaluate a person's complete health history and medical record, including genetic information. The ALS Association objects to the use of genetic test results in life insurance underwriting because, as Mr. Meixner stated on July 17, "a positive genetic test doesn't necessarily mean you're going to develop a disease... when you will develop a disease... [or] how severe that disease might be." ACLI agrees that genetic information reflects probabilities, not certainties. That is why life insurers view genetic information as a single factor in a comprehensive, holistic risk assessment that also accounts for other health factors, family history, lifestyle, and – importantly – proactive health management. Through their review of applicants' medical records, life insurers learn if and how applicants are taking preventive actions to manage genetic risks through healthy behaviors, physician monitoring, prescription medications, and/or other medical interventions. Life insurers evaluate and price policies to reflect these and all applicable factors.

American Council of Life Insurers | 300 New Jersey Avenue, NW, 10th Floor | Washington, DC 20001

The American Council of Life Insurers (ACLI) is the leading trade association driving public policy and advocacy on behalf of the life insurance industry. Ninety million American families rely on the life insurance industry for financial protection and retirement security. ACLI's member companies are dedicated to protecting consumers' financial wellbeing through life insurance, annuities, retirement plans, long-term care insurance, disability income insurance, reinsurance, and dental, vision, and other supplemental benefits. ACLI's 280 member companies represent 94 percent of industry assets in the United States.

Mr. Meixner also stated that “genetic testing can’t tell us what science is going to do between now and the date that you develop your disease.” ACLI also agrees with this statement. Life insurance actuaries are bound by Actuarial Standards of Practice to rely on assumptions grounded in sound, defensible, and up-to-date data and methods, and document any uncertainties or deviations. They recognize that medical advancements can materially impact a person’s health outcomes in the time between a positive test and disease onset. Although a life insurer cannot raise a premium rate if a policyholder later undergoes testing or develops a disease, the same policyholder can use scientific advances to their advantage. For example, if a policyholder rated for a family history of breast cancer later undergoes testing that shows no genetic mutation, they can seek new coverage at a better rate (or keep their original policy in place if it is more affordable). A policyholder that was issued a policy after testing positive for a disease marker or having been diagnosed with a disease can reapply after undergoing new therapies that significantly inhibit the disease’s progression.

The Industry Predates Genetic Testing

The ALS Association argues that life insurance has operated for centuries without genetic information, and therefore prohibiting its use would preserve stability. Mr. Meixner stated on July 17 that “having [genetic] information isn't crucial to the market because the market was built without it.” We would respond that the context today is entirely different. Consumers now have access to far more information about their own health risks than they once did, including genetic test results, which can influence their decisions to seek coverage. An imbalance will result if life insurers are not allowed to access and consider that same information. Accurate, upfront risk assessment is essential to ensure that premiums remain fair, stable, and sufficient for life insurers to keep their long-term promises to all policyholders.

Fairness requires information symmetry. It is worth repeating that if only applicants know their genetic risks, higher-risk individuals will be more likely to purchase or increase their coverage, while lower-risk individuals will end up subsidizing those costs. This imbalance could very well drive higher premiums for everyone and erode affordability over time. The responsible path forward is not a blanket prohibition but balanced guardrails that ensure consumer protection while allowing insurers to use credible, current information consistent with actuarial standards of practice.

Florida’s “Diagnosis-Only” Restriction Creates the Illusion of Stability

The ALS Association points to Florida’s recently enacted law that permits life insurers to underwrite based solely on a diagnosis to prove that prohibiting consideration of genetic information will not harm the life insurance market. Mr. Meixner stated on July 17 that the Florida law is “a road-tested policy by and large and we have not seen any mass migration out of the Florida life insurance market... premiums skyrocket... [or] insurers close up shop and say we're not in business here anymore.”

We would argue that short-term stability can be misleading. Life insurance premiums must remain sufficient to cover claims that may not occur for 20, 30, or even 50 or more years. When assumptions prove wrong, insurers cannot go back and reprice policies. What may appear in the early years as a “thriving market” can mask long-term imbalances that only surface decades later, when claims begin to emerge. Higher-risk consumers may already be disproportionately purchasing coverage. By the time adverse experience is reflected in the market, insurers may have collected inadequate premiums for decades, and new policyholders will likely bear the burden through higher prices.

Subtle shifts don't appear immediately but compound over time, leading to higher costs for all families. The Florida law has been in effect for only five years. What seems like stability under Florida's law may be the early stage of an imbalance that will erode affordability for future consumers.

Conclusion

To reiterate, ACLI member companies share the ALS Association's objectives of ensuring that individuals can continue to benefit from medical advancements through genetic testing while maintaining access to affordable, reliable life insurance coverage. Achieving this balance requires laws that are grounded in fairness, transparency, and sound actuarial principles, not prohibitions that create hidden instability over time.

Prohibiting life insurance underwriting based on the results of diagnostic or preventive genetic testing may sound protective of consumers, but it would ultimately shift costs to others, reduce overall fairness, and risk putting coverage out of reach for many families. As introduced, the NCOIL Model Act Regarding Life Insurers' Use of Genetic Information would strike the right balance by applying reasonable guardrails to protect consumers without undermining market integrity. ACLI supports the Model, as introduced, and believes that it will help ensure that life insurance remains both sustainable for insurers and affordable for the millions of families who depend on it for long-term financial security.

Thank you for the opportunity to submit additional comments. Please feel free to contact me with any questions.

Sincerely,

A handwritten signature in black ink, consisting of a large, stylized initial 'J' followed by a horizontal line extending to the right.

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