

BY: Health and Government Operations Committee

AMENDMENTS TO HOUSE BILL 29  
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in the sponsor line, strike “Delegate Manno” and substitute “Delegates Manno, Riley, Pena–Melnik, Montgomery, Kipke, Morhaim, Reznik, V. Turner, Kullen, and Pendergrass”; strike beginning with “Discrimination” in line 2 down through “Prohibited” in line 3 and substitute “Prohibited Acts – Genetic Tests, Genetic Information, or Genetic Services”; strike beginning with “insurers” in line 4 down through “insurance” in line 12 and substitute “a carrier or insurance producer of a carrier that provides long–term care insurance from requesting or requiring a genetic test or from using a genetic test, the results of a genetic test, genetic information, or a request for genetic services to take certain actions with regard to long–term care insurance; providing for a certain exception; defining certain terms; and generally relating to prohibited acts relating to genetic tests, genetic information, and genetic services with regard to long–term care insurance”; in line 18, strike “adding to” and substitute “repealing and reenacting, with amendments,”; and in line 20, strike “18–105.1” and substitute “18–120”.

AMENDMENT NO. 2

On page 2, strike in their entirety lines 5 through 20, inclusive, and substitute:

“18–120.”

**(A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.**

**(2) (1) “GENETIC INFORMATION” MEANS INFORMATION DERIVED FROM A GENETIC TEST:**

(Over)

1. ABOUT CHROMOSOMES, GENES, GENE PRODUCTS, OR INHERITED CHARACTERISTICS THAT MAY DERIVE FROM AN INDIVIDUAL OR A FAMILY MEMBER;

2. NOT OBTAINED FOR DIAGNOSTIC AND THERAPEUTIC PURPOSES; AND

3. OBTAINED AT A TIME WHEN THE INDIVIDUAL TO WHOM THE INFORMATION RELATES IS ASYMPTOMATIC FOR THE DISEASE, DISORDER, ILLNESS, OR IMPAIRMENT TO WHICH THE INFORMATION RELATES.

(II) "GENETIC INFORMATION" DOES NOT INCLUDE INFORMATION:

1. RELATING TO A DISEASE, DISORDER, ILLNESS, OR IMPAIRMENT THAT IS OR HAS BEEN MANIFESTED OR FOR WHICH THE INDIVIDUAL IS OR HAS BEEN SYMPTOMATIC; OR

2. DERIVED FROM:

A. ROUTINE PHYSICAL MEASUREMENTS;

B. CHEMICAL, BLOOD, AND URINE ANALYSES;

C. TESTS FOR THE USE OF DRUGS;

D. TESTS FOR THE PRESENCE OF THE HUMAN IMMUNODEFICIENCY VIRUS; OR

**E. TESTS FOR THE PURPOSE OF DIAGNOSING A  
MANIFESTED DISEASE, DISORDER, ILLNESS, OR IMPAIRMENT.**

**(3) “GENETIC SERVICES” MEANS HEALTH SERVICES THAT ARE  
PROVIDED TO OBTAIN, ASSESS, OR INTERPRET GENETIC INFORMATION OR THE  
RESULTS OF GENETIC TESTS.**

**(4) (I) “GENETIC TEST” MEANS AN ANALYSIS OF HUMAN DNA,  
RNA, CHROMOSOMES, PROTEINS, OR METABOLITES THAT DETECTS  
GENOTYPES, MUTATIONS, OR CHROMOSOMAL CHANGES.**

**(II) “GENETIC TEST” DOES NOT INCLUDE:**

- 1. ROUTINE PHYSICAL MEASUREMENTS;**
- 2. CHEMICAL, BLOOD, AND URINE ANALYSES;**
- 3. TESTS FOR THE USE OF DRUGS;**
- 4. TESTS FOR THE PRESENCE OF THE HUMAN  
IMMUNODEFICIENCY VIRUS; OR**
- 5. TESTS THAT ARE DIRECTLY RELATED TO A  
MANIFESTED DISEASE, DISORDER, ILLNESS, OR IMPAIRMENT THAT COULD  
REASONABLY BE DETECTED BY A HEALTH CARE PROFESSIONAL WITH  
APPROPRIATE TRAINING AND EXPERTISE IN THE FIELD OF MEDICINE  
INVOLVED.**

(B) In addition to the other practices prohibited under this article, a carrier or insurance producer of a carrier that provides long-term care insurance may not:

(1) employ a method of marketing that induces or tends to induce the purchase of long-term care insurance through undue pressure;

(2) use a method of marketing that fails to disclose in a conspicuous manner that a purpose of the method of marketing is solicitation of insurance, and that contact will be made by an insurance producer or carrier; [or]

(3) knowingly make a misleading representation or an incomplete or fraudulent comparison of policies or carriers to induce a person to lapse, forfeit, 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.”**