

HOUSE BILL 29

C3

8lr0552

(PRE-FILED)

By: **Delegate Manno**

Requested: August 27, 2007

Introduced and read first time: January 9, 2008

Assigned to: Health and Government Operations

A BILL ENTITLED

1 AN ACT concerning

2 **Long-Term Care Insurance – Discrimination Based on Genetic Information**
3 **or Tests – Prohibited**

4 FOR the purpose of prohibiting insurers, nonprofit health service plans, health
5 maintenance organizations, and preferred provider organizations from
6 discriminating against an applicant or insured based on genetic information or
7 the results of a genetic test in the issuance or renewal of long-term care
8 insurance; providing that this Act does not prohibit the use of genetic
9 information or the results of a genetic test under certain circumstances;
10 defining certain terms; and generally relating to discrimination based on
11 genetic information or genetic tests in issuing or renewing long-term care
12 insurance.

13 BY repealing and reenacting, without amendments,
14 Article – Insurance
15 Section 18-101(a) and (d)
16 Annotated Code of Maryland
17 (2006 Replacement Volume and 2007 Supplement)

18 BY adding to
19 Article – Insurance
20 Section 18-105.1
21 Annotated Code of Maryland
22 (2006 Replacement Volume and 2007 Supplement)

23 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
24 MARYLAND, That the Laws of Maryland read as follows:

25 **Article – Insurance**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 18-101.

2 (a) In this title the following words have the meanings indicated.

3 (d) "Carrier" means an insurer, nonprofit health service plan, health
4 maintenance organization, or preferred provider organization.

5 **18-105.1.**

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

8 (2) **"GENETIC INFORMATION" MEANS INFORMATION ABOUT**
9 **CHROMOSOMES, GENES, GENE PRODUCTS, OR INHERITED CHARACTERISTICS**
10 **THAT MAY DERIVE FROM AN INDIVIDUAL OR FAMILY MEMBER.**

11 (3) **"GENETIC TEST" MEANS A LABORATORY TEST OF HUMAN**
12 **CHROMOSOMES, GENES, OR GENE PRODUCTS THAT IS USED TO IDENTIFY THE**
13 **PRESENCE OR ABSENCE OF INHERITED OR CONGENITAL ALTERATIONS IN**
14 **GENETIC MATERIAL THAT ARE ASSOCIATED WITH DISEASE OR ILLNESS.**

15 (B) **A CARRIER MAY NOT DISCRIMINATE AGAINST AN APPLICANT OR**
16 **INSURED BASED ON GENETIC INFORMATION OR THE RESULTS OF A GENETIC**
17 **TEST IN THE ISSUANCE OR RENEWAL OF LONG-TERM CARE INSURANCE.**

18 (C) **THIS SECTION DOES NOT PROHIBIT THE USE OF GENETIC**
19 **INFORMATION OR THE RESULTS OF A GENETIC TEST BY A CARRIER IF THE USE**
20 **IS ACTUARIALLY JUSTIFIED.**

21 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
22 October 1, 2008.