$\begin{array}{c} {\rm C4} & {\rm 9lr0306} \\ {\rm (PRE-FILED)} & {\rm CF~SB~1} \end{array}$

By: **Delegate Manno** Requested: May 22, 2008

Introduced and read first time: January 14, 2009 Assigned to: Health and Government Operations

| | A BILL ENTITLED |
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| 1 | AN ACT concerning |
| 2 | Life Insurance and Annuities – Genetic Tests, Information, and Services – Prohibited Acts |
| 4 5 6 7 8 9 | FOR the purpose of prohibiting an insurer 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 life insurance coverage or benefits under an annuity contract; 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 life insurance and annuities. |
| 11 12 13 14 15 | BY adding to Article – Insurance Section 27–223 Annotated Code of Maryland (2006 Replacement Volume and 2008 Supplement) |
| 16 17 | SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That the Laws of Maryland read as follows: |
| 18 | Article - Insurance |
| 19 | 27–223. |
| $20 \\ 21$ | (A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED. |
| 22 23 | (2) (I) "GENETIC INFORMATION" MEANS INFORMATION DERIVED FROM A GENETIC TEST: |

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| 1 | 1. ABOUT CHROMOSOMES, GENES, GENE PRODUCTS, |
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| 2 | OR INHERITED CHARACTERISTICS THAT MAY DERIVE FROM AN INDIVIDUAL OR A |
| 3 | FAMILY MEMBER; |
| 4 | 2. NOT OBTAINED FOR DIAGNOSTIC AND |
| 5 | THERAPEUTIC PURPOSES; AND |
| 6 | 3. OBTAINED AT A TIME WHEN THE INDIVIDUAL TO |
| 7 | WHOM THE INFORMATION RELATES IS ASYMPTOMATIC FOR THE DISEASE, |
| 8 | DISORDER, ILLNESS, OR IMPAIRMENT TO WHICH THE INFORMATION RELATES. |
| 9 | (II) "GENETIC INFORMATION" DOES NOT INCLUDE |
| 10 | INFORMATION: |
| 11 | 1. RELATING TO A DISEASE, DISORDER, ILLNESS, OR |
| 12 | IMPAIRMENT THAT IS OR HAS BEEN MANIFESTED OR FOR WHICH THE |
| 13 | INDIVIDUAL IS OR HAS BEEN SYMPTOMATIC; OR |
| 14 | 2. DERIVED FROM: |
| 15 | A. ROUTINE PHYSICAL MEASUREMENTS; |
| 16 | B. CHEMICAL, BLOOD, AND URINE ANALYSES THAT |
| 17 | ARE NOT USED TO DERIVE INFORMATION ABOUT CHROMOSOMES, GENES, GENE |
| 18 | PRODUCTS, OR INHERITED CHARACTERISTICS; |
| 19 | C. TESTS FOR THE USE OF DRUGS; |
| 20 | D. TESTS FOR THE PRESENCE OF THE HUMAN |
| 21 | IMMUNODEFICIENCY VIRUS; OR |
| 22 | E. TESTS FOR THE PURPOSE OF DIAGNOSING A |
| 23 | MANIFESTED DISEASE, DISORDER, ILLNESS, OR IMPAIRMENT. |
| 24 | (3) "GENETIC SERVICES" MEANS HEALTH SERVICES THAT ARE |
| 25 | PROVIDED TO OBTAIN, ASSESS, OR INTERPRET GENETIC INFORMATION OR THE |
| 26 | RESULTS OF GENETIC TESTS. |
| 27 | (4) (I) "GENETIC TEST" MEANS AN ANALYSIS OF HUMAN DNA, |
| 28 | RNA, CHROMOSOMES, PROTEINS, OR METABOLITES THAT DETECTS |
| 29 | GENOTYPES, MUTATIONS, OR CHROMOSOMAL CHANGES. |
| 30 | (II) "GENETIC TEST" DOES NOT INCLUDE: |

ROUTINE PHYSICAL MEASUREMENTS;

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| 1 | 2. CHEMICAL, BLOOD, AND URINE ANALYSES; |
|------------|---|
| 2 | 3. TESTS FOR THE USE OF DRUGS; |
| 3 4 | 4. TESTS FOR THE PRESENCE OF THE HUMAN IMMUNODEFICIENCY VIRUS; OR |
| 5 | 5. TESTS THAT ARE DIRECTLY RELATED TO A |
| 6 | MANIFESTED DISEASE, DISORDER, ILLNESS, OR IMPAIRMENT THAT COULD |
| 7 | REASONABLY BE DETECTED BY A HEALTH CARE PROFESSIONAL WITH |
| 8 9 | APPROPRIATE TRAINING AND EXPERTISE IN THE FIELD OF MEDICINE INVOLVED. |
| 10 | (B) AN INSURER MAY NOT: |
| 1 | (1) REQUEST OR REQUIRE A GENETIC TEST TO: |
| 12 | (I) DENY OR LIMIT THE AMOUNT, EXTENT, OR KIND OF LIFE |
| 13 | INSURANCE COVERAGE OR BENEFITS UNDER AN ANNUITY CONTRACT |
| 4 | AVAILABLE TO AN INDIVIDUAL; OR |
| L 5 | (II) CHARGE A DIFFERENT RATE FOR THE SAME LIFE |
| L6 | INSURANCE COVERAGE OR BENEFITS UNDER AN ANNUITY CONTRACT; OR |
| L 7 | (2) USE A GENETIC TEST, THE RESULTS OF A GENETIC TEST, |
| L8 | GENETIC INFORMATION, OR A REQUEST FOR GENETIC SERVICES TO: |
| 19 | (I) DENY OR LIMIT THE AMOUNT, EXTENT, OR KIND OF LIFE |
| 20 | INSURANCE COVERAGE OR BENEFITS UNDER AN ANNUITY CONTRACT |
| 21 | AVAILABLE TO AN INDIVIDUAL; OR |
| 22 | (II) CHARGE A DIFFERENT RATE FOR THE SAME LIFE |
| 23 | INSURANCE COVERAGE OR BENEFITS UNDER AN ANNUITY CONTRACT. |
| 24 | (C) NOTWITHSTANDING SUBSECTION (B)(2) OF THIS SECTION, IF THE |
| 25 | USE IS BASED ON SOUND ACTUARIAL PRINCIPLES, THE RESULTS OF A GENETIC |
| 26 | TEST OR GENETIC INFORMATION MAY BE USED TO: |
| 27 | (1) DENY OR LIMIT THE AMOUNT, EXTENT, OR KIND OF LIFE |
| 28 | INSURANCE COVERAGE OR BENEFITS UNDER AN ANNUITY CONTRACT MADE |
| 29 | AVAILABLE TO AN INDIVIDUAL; OR |
| | |

(2) CHARGE A DIFFERENT RATE FOR THE SAME LIFE INSURANCE

COVERAGE OR BENEFITS UNDER AN ANNUITY CONTRACT.

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- SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect ${1 \atop 2}$
- October 1, 2009.