

# SENATE BILL 1

C4

(PRE-FILED)

9lr0304

CF 9lr0306

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By: **Senator Forehand**

Requested: May 22, 2008

Introduced and read first time: January 14, 2009

Assigned to: Finance

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## A BILL ENTITLED

1 AN ACT concerning

2 **Life Insurance and Annuities – Genetic Tests, Information, and Services –**  
3 **Prohibited Acts**

4 FOR the purpose of prohibiting an insurer from requesting or requiring a genetic test  
5 or from using a genetic test, the results of a genetic test, genetic information, or  
6 a request for genetic services to take certain actions with regard to life  
7 insurance coverage or benefits under an annuity contract; providing for a  
8 certain exception; defining certain terms; and generally relating to prohibited  
9 acts relating to genetic tests, genetic information, and genetic services with  
10 regard to life insurance and annuities.

11 BY adding to  
12 Article – Insurance  
13 Section 27–223  
14 Annotated Code of Maryland  
15 (2006 Replacement Volume and 2008 Supplement)

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

18 **Article – Insurance**

19 **27–223.**

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

22 (2) (I) “GENETIC INFORMATION” MEANS INFORMATION  
23 DERIVED FROM A GENETIC TEST:

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.





- 1                   **2.    CHEMICAL, BLOOD, AND URINE ANALYSES;**
- 2                   **3.    TESTS FOR THE USE OF DRUGS;**
- 3                   **4.    TESTS FOR THE PRESENCE OF THE HUMAN**  
4 **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 **APPROPRIATE TRAINING AND EXPERTISE IN THE FIELD OF MEDICINE**  
9 **INVOLVED.**

10           **(B)    AN INSURER MAY NOT:**

11                   **(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**  
14 **AVAILABLE TO AN INDIVIDUAL; OR**

15                           **(II)   CHARGE A DIFFERENT RATE FOR THE SAME LIFE**  
16 **INSURANCE COVERAGE OR BENEFITS UNDER AN ANNUITY CONTRACT; OR**

17                   **(2)    USE A GENETIC TEST, THE RESULTS OF A GENETIC TEST,**  
18 **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**

30                           **(2)    CHARGE A DIFFERENT RATE FOR THE SAME LIFE INSURANCE**  
31 **COVERAGE OR BENEFITS UNDER AN ANNUITY CONTRACT.**

1           SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
2   October 1, 2009.