

HOUSE BILL 297

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1998 Regular Session
8r1094
CF 8r1257

By: **Delegates Finifter, Pitkin, Barve, Beck, Bobo, Clagett, Conroy,
Dembrow, Dypski, Exum, Faulkner, Frank, Frush, Goldwater, Healey,
Heller, Jones, Kagan, Klausmeier, Kopp, Krysiak, Mandel, Marriott,
Minnick, Morhaim, Nathan-Pulliam, Preis, Snodgrass, DeCarlo, Cryor,
Pendergrass, Petzold, and Workman**

Introduced and read first time: January 28, 1998
Assigned to: Economic Matters

A BILL ENTITLED

1 AN ACT concerning

2 **Genetic Information Nondiscrimination in Health Insurance Act of 1998**

3 FOR the purpose of prohibiting the denial of health insurance to certain individuals
4 based upon the individuals' genetic information; prohibiting the requirement of
5 genetic information as a basis for not issuing or renewing health benefits
6 coverage; prohibiting the disclosure of an individual's genetic information
7 without the written consent of the individual for each disclosure; providing for
8 tort liability for violating the provisions of this subtitle; defining certain terms;
9 and generally relating to the prohibition of discrimination on the basis of genetic
10 information.

11 BY repealing and reenacting, with amendments,
12 Article - Insurance
13 Section 27-909
14 Annotated Code of Maryland
15 (1997 Volume)

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 27-909.

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

22 (2) "GENETIC INFORMATION" MEANS INFORMATION:

1 (I) ABOUT CHROMOSOMES, GENES, GENE PRODUCTS, OR
2 INHERITED CHARACTERISTICS THAT MAY DERIVE FROM AN INDIVIDUAL OR A
3 FAMILY MEMBER;

4 (II) OBTAINED FOR PREDICTIVE PURPOSES; AND

5 (III) OBTAINED AT SUCH TIME WHEN THE INDIVIDUAL TO WHOM
6 THE INFORMATION RELATES IS ASYMPTOMATIC FOR THE DISEASE.

7 (3) "GENETIC SERVICES" MEANS HEALTH SERVICES THAT ARE
8 PROVIDED TO OBTAIN, ASSESS, AND INTERPRET GENETIC INFORMATION FOR
9 PREDICTIVE PURPOSES AND FOR GENETIC EDUCATION AND COUNSELING.

10 (4) [In this section, "genetic" "GENETIC test" means a laboratory test of
11 human chromosomes [or DNA], GENES, OR GENE PRODUCTS that is used to identify
12 the presence or absence of inherited or congenital alterations in genetic material that
13 are associated with disease or illness.

14 (5) "PREDICTIVE PURPOSES" INCLUDES ASSESSING THE RISK OF
15 DISEASE AND IDENTIFYING CARRIERS OF DISEASE-RELATED GENETIC MUTATIONS.

16 (b) This section does not apply to life insurance policies, annuity contracts, or
17 disability insurance policies.

18 (c) An insurer, nonprofit health service plan, or health maintenance
19 organization may not:

20 (1) use a genetic test or the results of a genetic test, GENETIC
21 INFORMATION, OR A REQUEST FOR GENETIC SERVICES, to reject, deny, limit, cancel,
22 refuse to renew, increase the rates of, affect the terms or conditions of, or otherwise
23 affect a health insurance policy or contract;

24 (2) request or require a genetic test, THE RESULTS OF A GENETIC TEST,
25 OR GENETIC INFORMATION for the purpose of determining whether or not to issue or
26 renew health benefits coverage; or

27 (3) release [the results of a genetic test] GENETIC INFORMATION OR
28 THE RESULTS OF A GENETIC TEST without the prior written authorization of the
29 individual from whom the test was obtained OR TO WHOM THE GENETIC
30 INFORMATION RELATES.

31 (d) (1) For purposes of this subsection, §§ 4-113, 4-114, 27-501, and 27-505
32 of this article apply to nonprofit health service plans and health maintenance
33 organizations.

34 (2) The Commissioner may issue an order under §§ 4-113, 4-114,
35 27-501, and 27-505 of this article if the Commissioner finds a violation of this
36 section.

1 (E) THE AUTHORIZATION DESCRIBED IN SUBSECTION (C)(3) OF THIS SECTION
2 IS REQUIRED FOR EACH DISCLOSURE AND SHALL IDENTIFY THE PERSON MAKING
3 THE DISCLOSURE AND TO WHOM THE DISCLOSURE IS TO BE MADE.

4 (F) AN INSURER, NONPROFIT HEALTH SERVICE PLAN, OR HEALTH
5 MAINTENANCE ORGANIZATION THAT VIOLATES ANY PROVISION OF THIS SECTION
6 MAY, IN THE DISCRETION OF A COURT OF COMPETENT JURISDICTION, BE LIABLE FOR
7 COMPENSATORY, CONSEQUENTIAL, AND PUNITIVE DAMAGES.

8 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
9 October 1, 1998.