

SENATE BILL 324

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1998 Regular Session
8r1257
CF 8r1094

By: **Senator Forehand**

Introduced and read first time: February 5, 1998

Assigned to: Finance

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:

23 (I) ABOUT CHROMOSOMES, GENES, GENE PRODUCTS, OR
24 INHERITED CHARACTERISTICS THAT MAY DERIVE FROM AN INDIVIDUAL OR A
25 FAMILY MEMBER;

26 (II) OBTAINED FOR PREDICTIVE PURPOSES; AND

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

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

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

10 (5) "PREDICTIVE PURPOSES" MEANS ASSESSING THE RISK OF DISEASE
11 AND IDENTIFYING CARRIERS OF DISEASE-RELATED GENETIC MUTATIONS OR
12 ALTERATIONS.

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

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

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

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

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

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

31 (2) The Commissioner may issue an order under §§ 4-113, 4-114,
32 27-501, and 27-505 of this article if the Commissioner finds a violation of this
33 section.

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

37 (F) AN INSURER, NONPROFIT HEALTH SERVICE PLAN, OR HEALTH
38 MAINTENANCE ORGANIZATION THAT VIOLATES ANY PROVISION OF THIS SECTION

1 MAY, IN THE DISCRETION OF A COURT OF COMPETENT JURISDICTION, BE LIABLE FOR
2 COMPENSATORY, CONSEQUENTIAL, AND PUNITIVE DAMAGES.

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