

Department of Legislative Services
Maryland General Assembly

FISCAL NOTE
Revised

Senate Bill 324 (Senator Forehand)

Finance

Genetic Information Nondiscrimination in Health Insurance Act of 1998

This bill expands current law prohibitions against genetic information discrimination in health insurance, excluding long-term care insurance. The bill prohibits a health insurer, nonprofit health service plan, or HMO (carrier) from using genetic information or a request for genetic services to reject, limit, or affect the terms of a health insurance policy. In addition, the bill prohibits a carrier from using the results of a genetic test or genetic information to determine whether or not to issue or renew health benefits coverage. Current law prohibits the carrier from using genetic tests or the results from genetic tests to affect the terms of a health insurance policy, and prohibits the request or requirement of a genetic test in determining whether or not to issue or renew a policy.

The bill also prohibits a carrier from releasing identifiable genetic information or the results of a genetic test to any person who is not an employee of the carrier or a participating health care provider without the prior written authorization of the individual from whom the test results or genetic information was obtained. Disclosure of the identifiable genetic information to any of the authorized persons mentioned above can only be made for the purpose of providing medical care or conducting federally-approved research. In addition, the bill provides that authorization is required for each disclosure and must describe the individual or entities making the disclosure and to whom the disclosure is made. A carrier that violates any provision of this bill may be liable for compensatory, consequential, and punitive damages.

Fiscal Summary

State Effect: None. The bill would not materially affect State finances or operations.

Local Effect: None.

Small Business Effect: None.

Information Source(s): Department of Health and Mental Hygiene (Health Care Access and Cost Commission, Medical Care Policy Administration, Community and Public Health Administration); Department of Budget and Management; Insurance Administration; Department of Legislative Services

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