

SENATE BILL 774

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C3
SB 324/98 - FIN

1999 Regular Session
9r2584

By: **Senator Forehand**

Introduced and read first time: March 5, 1999

Assigned to: Rules

A BILL ENTITLED

1 AN ACT concerning

2 **Genetic Information Nondiscrimination in Health Insurance Act of 1999**

3 FOR the purpose of prohibiting the use of certain genetic information to deny or
4 otherwise affect a health insurance policy or contract; prohibiting the request or
5 requirement of certain genetic information as a basis for issuing or renewing
6 health benefits coverage; prohibiting the disclosure of certain genetic
7 information to certain persons without certain authorization of the individual
8 from whom the genetic information was obtained; identifying certain
9 permissible purposes for disclosure of genetic information; defining certain
10 terms; and generally relating to prohibiting discrimination on the basis of
11 genetic information in health insurance.

12 BY repealing and reenacting, with amendments,
13 Article - Insurance
14 Section 27-909
15 Annotated Code of Maryland
16 (1997 Volume and 1998 Supplement)

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

19 **Article - Insurance**

20 27-909.

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

23 (2) "GENE PRODUCT" MEANS THE BIOCHEMICAL MATERIAL, EITHER RNA
24 OR PROTEIN, MADE BY A GENE.

25 (3) (I) "GENETIC INFORMATION" MEANS INFORMATION:

26 1. ABOUT CHROMOSOMES, GENES, GENE PRODUCTS, OR
27 INHERITED CHARACTERISTICS THAT MAY DERIVE FROM AN INDIVIDUAL OR A
28 FAMILY MEMBER;

1 (D) DISCLOSURE OF IDENTIFIABLE GENETIC INFORMATION TO AN EMPLOYEE
2 OR HEALTH CARE PROVIDER AUTHORIZED UNDER SUBSECTION (C)(3) OF THIS
3 SECTION SHALL ONLY BE FOR THE PURPOSE OF:

4 (1) PROVIDING MEDICAL CARE TO PATIENTS; OR

5 (2) CONDUCTING RESEARCH THAT HAS BEEN APPROVED BY AN
6 INSTITUTIONAL REVIEW BOARD ESTABLISHED IN ACCORDANCE WITH FEDERAL LAW.

7 (E) THE AUTHORIZATION DESCRIBED IN SUBSECTION (C)(3) OF THIS SECTION
8 IS REQUIRED FOR EACH DISCLOSURE AND SHALL DESCRIBE THE INDIVIDUAL OR
9 ENTITIES MAKING THE DISCLOSURE AND TO WHOM THE DISCLOSURE IS TO BE
10 MADE.

11 [(d)] (F) (1) For purposes of this subsection, §§ 4-113, 4-114, 27-501, and
12 27-505 of this article apply to nonprofit health service plans and health maintenance
13 organizations.

14 (2) The Commissioner may issue an order under §§ 4-113, 4-114,
15 27-501, and 27-505 of this article if the Commissioner finds a violation of this
16 section.

17 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
18 October 1, 1999.