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By: **Delegate Fulton**  
Introduced and read first time: February 16, 2001  
Assigned to: Rules and Executive Nominations

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A BILL ENTITLED

1 AN ACT concerning

2 **Genetic Discrimination - Workers' Compensation Coverage and Benefits**

3 FOR the purpose of prohibiting discrimination in coverage, benefits, or determination  
4 of disability in workers' compensation based on an employee's genetic  
5 information or genetic test; prohibiting a workers' compensation insurer from  
6 cancelling a policy or refusing to issue a policy or provide coverage based on an  
7 employee's genetic information or genetic test; defining certain terms; and  
8 generally relating to genetic discrimination in workers' compensation.

9 BY adding to  
10 Article - Insurance  
11 Section 19-407  
12 Annotated Code of Maryland  
13 (1997 Volume and 2000 Supplement)

14 BY repealing and reenacting, with amendments,  
15 Article - Labor and Employment  
16 Section 9-101  
17 Annotated Code of Maryland  
18 (1999 Replacement Volume and 2000 Supplement)

19 BY adding to  
20 Article - Labor and Employment  
21 Section 9-402.1, 9-501.1, and 9-612  
22 Annotated Code of Maryland  
23 (1999 Replacement Volume and 2000 Supplement)

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

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**Article - Insurance**

2 19-407.

3 (A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS  
4 INDICATED.

5 (2) "GENETIC INFORMATION" HAS THE MEANING PROVIDED UNDER §  
6 27-909(A)(3) OF THIS ARTICLE.

7 (3) "GENETIC TEST" HAS THE MEANING PROVIDED UNDER § 27-909(A)(5)  
8 OF THIS ARTICLE.

9 (B) AN INSURER MAY NOT REFUSE TO ISSUE A POLICY TO AN EMPLOYER DUE  
10 TO INFORMATION CONTAINED IN A GENETIC TEST OR THE GENETIC INFORMATION  
11 OF THE EMPLOYER'S EMPLOYEE.

12 (C) AN INSURER MAY NOT REFUSE TO COVER AN EMPLOYEE OF AN  
13 EMPLOYER TO WHOM THE INSURER HAS ISSUED A WORKERS' COMPENSATION  
14 POLICY DUE TO INFORMATION CONTAINED IN A GENETIC TEST OR THE GENETIC  
15 INFORMATION OF THE EMPLOYER'S EMPLOYEE.

16 (D) AN INSURER MAY NOT CANCEL AN EMPLOYER'S WORKERS'  
17 COMPENSATION POLICY DUE TO INFORMATION CONTAINED IN A GENETIC TEST OR  
18 THE GENETIC INFORMATION OF THE EMPLOYER'S EMPLOYEE.

19

**Article - Labor and Employment**

20 9-101.

21 (a) In this title the following words have the meanings indicated.

22 (b) "Accidental personal injury" means:

23 (1) an accidental injury that arises out of and in the course of  
24 employment;

25 (2) an injury caused by a willful or negligent act of a third person  
26 directed against a covered employee in the course of the employment of the covered  
27 employee; or

28 (3) a disease or infection that naturally results from an accidental injury  
29 that arises out of and in the course of employment, including:

30 (i) an occupational disease; and

31 (ii) frostbite or sunstroke caused by a weather condition.

32 (c) "Child" includes:

33 (1) an adopted child;

1 (2) an illegitimate child;

2 (3) a posthumous child; and

3 (4) a stepchild.

4 (d) "Commission" means the State Workers' Compensation Commission.

5 (e) (1) "Compensation" means the money payable under this title to a  
6 covered employee or the dependents of a covered employee.

7 (2) "Compensation" includes funeral benefits payable under this title.

8 (f) "Covered employee" means an individual listed in Subtitle 2 of this title for  
9 whom a person, a governmental unit, or a quasi-public corporation is required by law  
10 to provide coverage under this title.

11 (G) (1) "GENETIC INFORMATION" MEANS INFORMATION:

12 (I) ABOUT CHROMOSOMES, GENES, GENE PRODUCTS, OR  
13 INHERITED CHARACTERISTICS THAT MAY DERIVE FROM AN INDIVIDUAL OR A  
14 FAMILY MEMBER;

15 (II) OBTAINED FOR DIAGNOSTIC AND THERAPEUTIC PURPOSES;  
16 AND

17 (III) OBTAINED AT A TIME WHEN THE INDIVIDUAL TO WHOM THE  
18 INFORMATION RELATES IS ASYMPTOMATIC FOR THE DISEASE.

19 (2) "GENETIC INFORMATION" DOES NOT INCLUDE:

20 (I) ROUTINE PHYSICAL MEASUREMENTS;

21 (II) CHEMICAL, BLOOD, AND URINE ANALYSES THAT ARE WIDELY  
22 ACCEPTED AND IN USE IN CLINICAL PRACTICE;

23 (III) TESTS FOR USE OF DRUGS; OR

24 (IV) TESTS FOR THE PRESENCE OF THE HUMAN  
25 IMMUNODEFICIENCY VIRUS.

26 (H) "GENETIC TEST" MEANS A LABORATORY TEST OF HUMAN CHROMOSOMES,  
27 GENES, OR GENE PRODUCTS THAT IS USED TO IDENTIFY THE PRESENCE OR  
28 ABSENCE OF INHERITED OR CONGENITAL ALTERATIONS IN GENETIC MATERIAL  
29 THAT ARE ASSOCIATED WITH DISEASE OR ILLNESS.

30 [(g)] (I) "Occupational disease" means a disease contracted by a covered  
31 employee:

32 (1) as the result of and in the course of employment; and

1           (2)       that causes the covered employee to become temporarily or  
2 permanently, partially or totally incapacitated.

3 9-402.1.

4       AN EMPLOYER MAY NOT REFUSE TO SECURE COMPENSATION FOR A COVERED  
5 EMPLOYEE UNDER THIS SUBTITLE DUE TO INFORMATION CONTAINED IN THE  
6 COVERED EMPLOYEE'S GENETIC TEST OR GENETIC INFORMATION.

7 9-501.1.

8       AN EMPLOYER MAY NOT:

9       (1)       REFUSE TO PROVIDE COMPENSATION TO A COVERED EMPLOYEE UNDER  
10 THIS SUBTITLE DUE TO INFORMATION CONTAINED IN THE COVERED EMPLOYEE'S  
11 GENETIC TEST OR GENETIC INFORMATION; OR

12       (2)       REDUCE A COVERED EMPLOYEE'S COMPENSATION DUE TO INFORMATION  
13 CONTAINED IN THE COVERED EMPLOYEE'S GENETIC TEST OR GENETIC  
14 INFORMATION.

15 9-612.1.

16       A COVERED INJURED EMPLOYEE'S COMPENSATION OR A DETERMINATION OF  
17 THE DEGREE OF DISABILITY OF A COVERED INJURED EMPLOYEE MAY NOT BE  
18 AFFECTED BY INFORMATION CONTAINED IN THE EMPLOYEE'S GENETIC TEST OR  
19 GENETIC INFORMATION.

20       SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
21 October 1, 2001.