
By: **Delegates Finifter and Morhaim**
Introduced and read first time: February 8, 2002
Assigned to: Environmental Matters

A BILL ENTITLED

1 AN ACT concerning

2 **Health - Genetic Tests - Medical Laboratory Director**

3 FOR the purpose of requiring that a director of a medical laboratory that conducts
4 genetic tests be a physician or hold a certain doctoral degree from an accredited
5 institution in certain disciplines and be certified by certain boards; and
6 generally relating to directors of medical laboratories conducting genetic tests.

7 BY repealing and reenacting, without amendments,
8 Article - Insurance
9 Section 27-909(a)
10 Annotated Code of Maryland
11 (1997 Volume and 2001 Supplement)

12 BY repealing and reenacting, without amendments,
13 Article - Health - General
14 Section 17-201(b)
15 Annotated Code of Maryland
16 (2000 Replacement Volume and 2001 Supplement)

17 BY adding to
18 Article - Health - General
19 Section 17-218
20 Annotated Code of Maryland
21 (2000 Replacement Volume and 2001 Supplement)

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

24 **Article - Insurance**

25 27-909.

26 (a) (1) In this section the following words have the meanings indicated.

1 (2) "Gene product" means the biochemical material, either RNA or
2 protein, made by a gene.

3 (3) (i) "Genetic information" means information:

4 1. about chromosomes, genes, gene products, or inherited
5 characteristics that may derive from an individual or a family member;

6 2. obtained for diagnostic and therapeutic purposes; and

7 3. obtained at a time when the individual to whom the
8 information relates is asymptomatic for the disease.

9 (ii) "Genetic information" does not include:

10 1. routine physical measurements;

11 2. chemical, blood, and urine analyses that are widely
12 accepted and in use in clinical practice;

13 3. tests for use of drugs; or

14 4. tests for the presence of the human immunodeficiency
15 virus.

16 (4) "Genetic services" means health services that are provided to obtain,
17 assess, and interpret genetic information for diagnostic and therapeutic purposes and
18 for genetic education and counseling.

19 (5) "Genetic test" means a laboratory test of human chromosomes, genes,
20 or gene products that is used to identify the presence or absence of inherited or
21 congenital alterations in genetic material that are associated with disease or illness.

22 **Article - Health - General**

23 17-201.

24 (b) (1) "Medical laboratory" means any facility, entity, or site that offers or
25 performs tests or examinations in connection with the diagnosis and control of human
26 diseases or the assessment of human health, nutritional, or medical conditions or in
27 connection with job-related drug and alcohol testing.

28 (2) "Medical laboratory" includes any laboratory owned or operated by
29 the State or owned or operated by a county or municipal corporation in the State.

30 17-218.

31 (A) IN THIS SECTION, "GENETIC TESTS" HAS THE MEANING STATED IN §
32 27-909(A) OF THE INSURANCE ARTICLE.

1 (B) A DIRECTOR OF A MEDICAL LABORATORY THAT CONDUCTS GENETIC
2 TESTS SHALL BE:

3 (1) A PHYSICIAN OR HOLD A DOCTORAL DEGREE FROM AN ACCREDITED
4 INSTITUTION IN A RELEVANT CHEMICAL, PHYSICAL, OR BIOLOGICAL SCIENCE
5 MAJOR; AND

6 (2) CERTIFIED BY THE AMERICAN BOARD OF MEDICAL GENETICS OR
7 THE AMERICAN BOARD OF GENETIC COUNSELING.

8 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take
9 effect October 1, 2002.