

# HOUSE BILL 155

C4, J1

3lr0373  
CF 3lr1648

---

By: **Delegate Kipke**

Introduced and read first time: January 16, 2023

Assigned to: Health and Government Operations

---

## A BILL ENTITLED

1 AN ACT concerning

2 **Genetic Testing – Prohibitions on Disability, Life, and Long-Term Care**  
3 **Insurance and Educational Materials**  
4 **(Genetic Testing Protection Act of 2023)**

5 FOR the purpose of prohibiting carriers that offer life insurance, long-term care insurance,  
6 and disability insurance policies or contracts from taking certain action regarding  
7 coverage based on whether an applicant or policy or contract holder has requested or  
8 undergone genetic testing or the results of the genetic testing; requiring the  
9 Maryland Department of Health to review and update certain materials relating to  
10 genetic testing on or before a certain date; and generally relating to genetic testing.

11 BY repealing and reenacting, without amendments,  
12 Article – Insurance  
13 Section 27–909  
14 Annotated Code of Maryland  
15 (2017 Replacement Volume and 2022 Supplement)

16 BY adding to  
17 Article – Insurance  
18 Section 27–909.1  
19 Annotated Code of Maryland  
20 (2017 Replacement Volume and 2022 Supplement)

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

23 **Article – Insurance**

24 27–909.

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

---

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1                   (2)    “Gene product” means the biochemical material, either RNA or protein,  
2 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 for  
18 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 congenital  
21 alterations in genetic material that are associated with disease or illness.

22                   (b)    This section does not apply to life insurance policies, annuity contracts,  
23 long-term care insurance policies, or disability insurance policies.

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

26                              (1)    use a genetic test, the results of a genetic test, genetic information, or a  
27 request for genetic services, to reject, deny, limit, cancel, refuse to renew, increase the rates  
28 of, affect the terms or conditions of, or otherwise affect a health insurance policy or contract;

29                              (2)    request or require a genetic test, the results of a genetic test, or genetic  
30 information for the purpose of determining whether or not to issue or renew health benefits  
31 coverage; or

1 (3) release identifiable genetic information or the results of a genetic test  
2 to any person who is not an employee of the insurer, nonprofit health service plan, or health  
3 maintenance organization or a participating health care provider who provides medical  
4 services to insureds or enrollees without the prior written authorization of the individual  
5 from whom the test results or genetic information was obtained.

6 (d) Disclosure of identifiable genetic information to an employee or health care  
7 provider authorized under subsection (c)(3) of this section shall only be for the purpose of:

8 (1) providing medical care to patients; or

9 (2) conducting research that has been approved by an institutional review  
10 board established in accordance with federal law.

11 (e) The authorization described in subsection (c)(3) of this section is required for  
12 each disclosure and shall describe the individual or entities making the disclosure, to whom  
13 the disclosure is to be made, and the information to be disclosed.

14 (f) (1) For purposes of this subsection, §§ 4–113 and 4–114 of this article and  
15 §§ 27–501 and 27–505 of this title apply to nonprofit health service plans and health  
16 maintenance organizations.

17 (2) The Commissioner may issue an order under §§ 4–113 and 4–114 of this  
18 article and §§ 27–501 and 27–505 of this title if the Commissioner finds a violation of this  
19 section.

20 **27–909.1.**

21 **(A) IN THIS SECTION, “GENETIC TEST” HAS THE MEANING STATED IN §**  
22 **27–909 OF THIS SUBTITLE.**

23 **(B) THIS SECTION APPLIES ONLY TO LIFE INSURANCE, LONG–TERM CARE**  
24 **INSURANCE, AND DISABILITY INSURANCE POLICIES OR CONTRACTS.**

25 **(C) A CARRIER THAT OFFERS, ISSUES, OR DELIVERS A LIFE INSURANCE,**  
26 **LONG–TERM CARE INSURANCE, OR DISABILITY INSURANCE POLICY OR CONTRACT IN**  
27 **THE STATE MAY NOT:**

28 **(1) DENY OR LIMIT COVERAGE BASED SOLELY ON WHETHER AN**  
29 **APPLICANT OR POLICY OR CONTRACT HOLDER HAS UNDERGONE GENETIC TESTING;**

30 **(2) PROHIBIT, AS A CONDITION OF CONTINUING COVERAGE, A POLICY**  
31 **OR CONTRACT HOLDER FROM UNDERGOING A GENETIC TEST; OR**

1           **(3) OTHERWISE USE A GENETIC TEST, THE RESULTS OF A GENETIC**  
2 **TEST, GENETIC INFORMATION, OR A REQUEST FOR GENETIC SERVICES TO REJECT,**  
3 **DENY, LIMIT, CANCEL, REFUSE TO RENEW, INCREASE THE RATES OF, AFFECT THE**  
4 **TERMS OR CONDITIONS OF, OR OTHERWISE AFFECT A LIFE INSURANCE, LONG-TERM**  
5 **CARE INSURANCE, OR DISABILITY INSURANCE POLICY OR CONTRACT.**

6           **(D) (1) FOR PURPOSES OF THIS SUBSECTION, §§ 4-113 AND 4-114 OF**  
7 **THIS ARTICLE AND §§ 27-501 AND 27-505 OF THIS TITLE APPLY TO CARRIERS THAT**  
8 **OFFER, ISSUE, OR DELIVER LIFE INSURANCE, LONG-TERM CARE INSURANCE, OR**  
9 **DISABILITY INSURANCE POLICIES OR CONTRACTS IN THE STATE.**

10           **(2) THE COMMISSIONER MAY ISSUE AN ORDER UNDER §§ 4-113 AND**  
11 **4-114 OF THIS ARTICLE OR §§ 27-501 AND 27-505 OF THIS TITLE IF THE**  
12 **COMMISSIONER FINDS A VIOLATION OF THIS SECTION.**

13           SECTION 2. AND BE IT FURTHER ENACTED, That:

14           (a) On or before April 1, 2024, the Maryland Department of Health shall review  
15 and update materials relating to genetic testing in order to educate the public on:

16               (1) the benefits of genetic testing; and

17               (2) the impact of genetic testing on access to life insurance, disability  
18 insurance, and long-term care insurance policies and contracts.

19           (b) The update required under subsection (a) of this section shall include:

20               (1) the incorporation of information regarding the changes to Title 27,  
21 Subtitle 9 of the Insurance Article enacted by Section 1 of this Act; and

22               (2) if applicable, updates to:

23                   (i) public service announcements previously released by the  
24 Maryland Department of Health;

25                   (ii) publicly accessible websites maintained by the Maryland  
26 Department of Health that contain information and resources regarding genetic testing;  
27 and

28                   (iii) other media as determined appropriate by the Maryland  
29 Department of Health.

30           SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect  
31 October 1, 2023.