

Chapter 394

(House Bill 1007)

AN ACT concerning

~~Genetic Testing – Prohibition on Disability, Life, and Long Term Care Insurance~~  
Disability and Life Insurance – Medical Information  
(Genetic Testing Protection Act)

FOR the purpose of prohibiting insurance carriers that offer life insurance, ~~long term care insurance,~~ or disability insurance policies or contracts from ~~taking certain actions relating to coverage based on whether an applicant or a policy or contract holder has requested or undergone genetic testing or the results of the genetic testing;~~ unfairly discriminating against an individual by taking certain actions relating to coverage based on medical information; prohibiting certain carriers from accessing sensitive medical information without first obtaining written consent or mandating certain genetic testing or full genome sequencing for a certain purpose; and generally relating to genetic testing life and disability insurance.

BY adding to  
Article – Insurance  
Section 27–909.1  
Annotated Code of Maryland  
(2017 Replacement Volume and 2024 Supplement)

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

**Article – Insurance**

**27–909.1.**

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

~~(2) “GENE PRODUCT” MEANS THE BIOCHEMICAL MATERIAL, EITHER RNA OR PROTEIN, MADE BY A GENE.~~

~~(3) (1) “GENETIC INFORMATION” MEANS INFORMATION:~~  
~~1. DERIVED FROM A GENETIC TEST ABOUT CHROMOSOMES, GENES, OR GENE PRODUCTS THAT MAY DERIVE FROM AN INDIVIDUAL OR A FAMILY MEMBER;~~

~~2. NOT OBTAINED FOR DIAGNOSTIC OR THERAPEUTIC PURPOSES; AND~~

~~3. OBTAINED AT A TIME WHEN THE INDIVIDUAL TO WHOM THE INFORMATION RELATES IS ASYMPTOMATIC FOR THE DISEASE, DISORDER, ILLNESS, OR IMPAIRMENT TO WHICH THE INFORMATION RELATES.~~

~~(H) "GENETIC INFORMATION" DOES NOT INCLUDE:~~

~~1. ROUTINE PHYSICAL MEASUREMENTS;~~

~~2. CHEMICAL, BLOOD, AND URINE ANALYSES THAT ARE WIDELY ACCEPTED AND IN USE IN CLINICAL PRACTICE;~~

~~3. TESTS FOR USE OF DRUGS;~~

~~4. TESTS FOR THE PRESENCE OF THE HUMAN IMMUNODEFICIENCY VIRUS; OR~~

~~5. FAMILY MEDICAL HISTORY, EXCEPT FOR FAMILY GENETICS AS THEY RELATE TO A GENETIC TEST DESCRIBED IN SUBPARAGRAPH (I)1 OF THIS PARAGRAPH.~~

~~(4) "GENETIC SERVICES" MEANS HEALTH SERVICES THAT ARE PROVIDED TO OBTAIN, ASSESS, OR INTERPRET GENETIC INFORMATION OR THE RESULTS OF GENETIC TESTS.~~

~~(5) (2) "GENETIC TEST" MEANS AN ANALYSIS OF HUMAN DNA, RNA, CHROMOSOMES, PROTEINS, OR METABOLITES THAT DETECTS GENOTYPES, MUTATIONS, OR CHROMOSOMAL CHANGES.~~

~~(6) (3) "INSURANCE CARRIER" MEANS A COMPANY AUTHORIZED TO SELL INSURANCE POLICIES IN THE STATE.~~

~~(B) (1) THIS SECTION APPLIES ONLY TO LIFE INSURANCE, LONG TERM CARE INSURANCE, AND DISABILITY INSURANCE POLICIES OR CONTRACTS.~~

~~(2) THIS SECTION DOES NOT PROHIBIT AN INSURANCE CARRIER THAT OFFERS, ISSUES, OR DELIVERS A LIFE INSURANCE, LONG TERM CARE INSURANCE, OR DISABILITY INSURANCE POLICY OR CONTRACT IN THE STATE FROM:~~

~~(I) ACCESSING AN APPLICANT'S MEDICAL RECORD AS PART OF THE APPLICATION PROCESS; OR~~

(II) CONSIDERING A MEDICAL DIAGNOSIS INCLUDED IN AN INDIVIDUAL'S MEDICAL RECORD, EVEN IF THE DIAGNOSIS WAS BASED ON THE RESULTS OF A GENETIC TEST.

(C) (1) ~~AN EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION AND SUBJECT TO PARAGRAPH (3) OF THIS SUBSECTION, AN INSURANCE CARRIER THAT OFFERS, ISSUES, OR DELIVERS A LIFE INSURANCE, LONG TERM CARE INSURANCE, OR DISABILITY INSURANCE POLICY OR CONTRACT IN THE STATE MAY NOT:~~ UNFAIRLY DISCRIMINATE AGAINST AN INDIVIDUAL BY CONDITIONING INSURANCE RATES, THE PROVISION OR RENEWAL OF INSURANCE COVERAGE, OR OTHER CONDITIONS OF INSURANCE BASED ON MEDICAL INFORMATION, INCLUDING THE RESULTS OF A GENETIC TEST FOR WHICH THERE IS NOT A RELATIONSHIP BETWEEN THE MEDICAL INFORMATION AND THE COST OF THE INSURANCE RISK THAT THE INSURER WOULD ASSUME BY INSURING THE APPLICANT.

(2) IN DEMONSTRATING THE RELATIONSHIP DESCRIBED IN PARAGRAPH (1) OF THIS SUBSECTION, THE INSURER MAY RELY ON ACTUARIALLY SOUND PRINCIPLES OR ACTUAL OR REASONABLY ANTICIPATED EXPERIENCE.

(3) AN INSURANCE CARRIER THAT OFFERS, ISSUES, OR DELIVERS A LIFE INSURANCE OR DISABILITY INSURANCE POLICY OR CONTRACT IN THE STATE MAY NOT:

(I) ACCESS SENSITIVE MEDICAL INFORMATION, INCLUDING THE GENETIC DATA OF AN INDIVIDUAL, WITHOUT FIRST OBTAINING THE INDIVIDUAL'S SIGNED, WRITTEN CONSENT; OR

(II) MANDATE EXISTING OR NEW GENETIC TESTING OR FULL GENOME SEQUENCING AS A PREREQUISITE FOR LIFE INSURANCE OR DISABILITY INSURANCE ELIGIBILITY OR COVERAGE.

~~(I) DENY OR LIMIT COVERAGE BASED ON WHETHER AN APPLICANT OR A POLICY OR CONTRACT HOLDER HAS UNDERGONE A GENETIC TEST;~~

~~(II) PROHIBIT, AS A CONDITION OF CONTINUING COVERAGE, A POLICY OR CONTRACT HOLDER FROM UNDERGOING A GENETIC TEST; OR~~

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

~~(2)~~ **(4)** THE INSURANCE CARRIER, APPLICANT, OR POLICY OR CONTRACT HOLDER MAY NOT ~~CHANGE, WAIVE, DISCHARGE, OR TERMINATE~~ THE PROVISIONS OF PARAGRAPH ~~(1)~~ **(3)(II)** OF THIS SUBSECTION UNDER ANY CIRCUMSTANCES.

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

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2025.

**Approved by the Governor, May 6, 2025.**