

Testimony of Steven O'Connor in Support of HB1422

Staff Attorney, National Health Freedom Action

Good afternoon Committee Members,

My name is Steven O'Connor, and I am a staff attorney with National Health Freedom Action. I am here to support HB1422, banning discrimination based on refusal to undergo a genetic procedure.

Technological developments are outpacing our regulations and ethical guidelines, and this bill will allow us to stay ahead of these changes.

Current Maryland law already both prohibits discrimination and protects genetic privacy; HB1422 protects *genetic integrity* and fills a gap in the current laws.

In 1969 the Maryland Commission on Human Relations was established and empowered to investigate racial discrimination. This Commission served to enforce the Maryland Public Accommodations Law, Discrimination in Housing Law, and the Fair Employment Practices Law.

After two years of effort by Governor Parris N. Glendening, in 2001 discrimination based on sexual orientation was banned and gays and lesbians were added to those protected under Maryland law. Today, race, sex, color, creed, national origin, marital status, sexual orientation, age, gender identity, and disability are categories for which discrimination is disallowed.

Separately, in 2022 Maryland enacted law prohibiting all public schools, and nonpublic schools that receive state funds, from discriminating based on race, ethnicity, color, religion, sex, age, national origin, marital status, sexual orientation, gender identity, or disability.

Also in 2022, HB866 was passed. This bill, sponsored by Delegate Qi, protects Genetic Information Privacy. This bill regulates the use of genetic data by direct-to-consumer genetic testing companies. So, Maryland law prohibits discrimination and also protects genetic privacy. Likewise, the federal Genetic Information Nondiscrimination Act of 2008 (GINA) also protects genetic *privacy*, but does nothing to protect genetic *integrity*.

HB1422 would amend the discrimination laws of Maryland to add refusal of a genetic procedure to the list of protected classes. It adds to the current Education Article and applies to public schools and nonpublic schools that receive state funds.

It also adds to the State Government Article to define Genetic Procedures to include those that may either: “add, remove, alter, activate, change, or cause mutation in an individual’s DNA or other genetic materials” or “replace, supersede, or bypass a normal function of an individual’s DNA or other genetic materials.”

In addition to education, discrimination would be disallowed in public accommodations, employment, residential housing, and state personnel matters.

HB1422 is an essential supplement to Maryland’s genetic privacy and discrimination laws. It protects genetic integrity, by codifying the right to refuse a genetic procedure. It would not inhibit or prevent anyone from getting a genetic procedure if they want one.

State law already protects against bias in important life activities upon various categories. Just as we believe it is wrong to discriminate based on those categories, it is likewise wrong to do so based on a decision to maintain one’s genetic integrity.