

**Testimony in Support of HB1422
Human Relations - Protections Against Discrimination – Genetic Procedures**

Good day, I am Dr. Craig M. Wax, a family physician, sports and school physician, media host, former member of the National Physician Council on Healthcare Policy - Congressional Subcommittee and policy expert with 25 years of practical experience, in active private practice in New Jersey.

Thank you for the opportunity to provide testimony in support of HB1422; a bill introduced to protect the citizens of Maryland from being subject to discrimination based on their choice to refuse medical interventions that involve the use of a genetic procedure.[1]

The impact of genetic procedures has the potential to change lives for the better, worse, or end them. This cannot be overstated. All patients, especially the most vulnerable, infants, children pregnant women, elderly, minorities and the poor are at high risk for discrimination by entities based on their acceptance or refusal of genetic procedures.[2]

A basic tenet of the profession of medicine is the concept of informed consent. In short, physicians must not subject a patient to a medical procedure or modality without the patient's informed consent. *Adequate information about potential risks and absence of coercion are among the criteria required for proper consent to be obtained.*[3] People are free to accept or refuse under the law of the land.

Simply put, **HB1422 protects the ability of patients in Maryland to be afforded their basic right to informed consent before being subject to medical interventions that involve the potential for genetic manipulation and/or the use of genetic material.** Mandates put undue stress on patients and also undue risk on institutions and government entities.

Why is this bill needed to protect the right to informed consent with these types of treatments?

1. To quote the United States National Institute of Health: "Genetic therapies hold promise to treat many diseases, but they are still new approaches to treatment and may have risks [including] certain types of cancer, allergic reactions, or damage to organs or tissues...." [4] Risks from certain types of genetic therapy may even be "passed to future generations, raising the stakes for any mistakes." [5] Given the uncertainty involved with these novel modalities, and inherent increased risks, the "adequate information" prong of informed consent requirements becomes especially important to guard.

2. It is axiomatic that if a patient is coerced into receiving a medical treatment the patient would otherwise not wish to receive, informed consent has not been obtained. In other words: "coercion invalidates consent." [6] Forcing individuals to receive medical treatment against their will cannot be justified, and it is especially problematic when the potential risks are substantial or unknowable as they are with genetic-related procedures.

It is important to note that there has been an increasing trend around the world, across the country, and specifically here in Maryland, to place various mandates to force certain medical interventions on employees, students, the military, and others. Sometimes mandates have even been imposed broadly and negatively impact the ability of citizens to participate in the most basic aspects of society. The bottom line is that **mandates equal coercion and coercion invalidates consent.** I urge you to adopt HB1422 to guard against this injustice and protect patients' rights. Thank you.

References

- [1] <https://mgaleg.maryland.gov/2024RS/bills/sb/sb0914f.pdf>
- [2] <https://www.newsweek.com/vaccine-mandates-will-have-disparate-impact-minorities-opinion-1619755>
- [3] <https://onlinelibrary.wiley.com/doi/10.1002/mus.1046>
- [4] <https://www.nhlbi.nih.gov/health/genetic-therapies/benefits-risks>
- [5] <https://www.nytimes.com/2020/10/31/health/crispr-genetics-embryos.html>
- [6] <https://www.myamericannurse.com/case-study-coerced-consent>