



Wes Moore, Governor · Aruna Miller, Lt. Governor · Laura Herrera Scott, M.D., M.P.H., Secretary

March 8, 2024

The Honorable Joseline A. Peña-Melnyk
Chair, House Health and Government Operations Committee
Room 241, House Office Building
Annapolis, MD 21401-1991

RE: House Bill 1422 – Human Relations – Protections Against Discrimination – Genetic Procedures – Letter of Opposition

Dear Chair Peña-Melnyk and Committee members:

The Maryland Department of Health (the Department) respectfully submits this letter of opposition for HB 1422– Human Relations – Protections Against Discrimination – Genetic Procedures. This bill aims to prohibit discrimination based on an individual’s refusal to undergo a genetic procedure in education, public accommodations, commercial leasing, housing, and employment, and by certain licensed or regulated persons.

HB 1422 defines the term “genetic materials” to include ribonucleic acid, which is often abbreviated as “RNA”. The bill also defines the term “genetic procedure” as “a therapy, treatment, or medical procedure that may (1) add, remove, alter, activate, change, or cause mutation in an individual’s DNA or other genetic materials; or (2) replace, supersede, or bypass a normal function of an individual’s DNA or other genetic materials.”

The Department acknowledges the use of similar language in a Utah bill that was signed into law in 2022.¹ This language has been used to argue against the requirement of mRNA vaccinations, describing mRNA vaccines as “genetic materials” due to their RNA composition. Additionally, under the definitions in this bill, the administration of a mRNA vaccine could be considered a “genetic procedure”, resulting in a prohibition on employers from mandating mRNA vaccinations.²

The Department strongly supports vaccination as one of the most effective public health achievements over the last century and opposes the limitations on vaccination that this bill could be seen to impose on a wide range of settings. Furthermore, the federal Genetic Information Nondiscrimination Act already prohibits discrimination based on genetic information in health

¹ S.B. 144 Genetic Privacy Amendments. <https://le.utah.gov/~2022/bills/static/SB0144.html>

² National Health Freedom Coalition. UTAH Genetic Testing Privacy Act Amended. <https://nationalhealthfreedom.org/utah-genetic-testing-privacy-act-amended>

insurance and employment, including hiring, firing, job placement or promotion decisions.³ Therefore, the Department respectfully opposes this bill.

If you would like to discuss this further, please do not hesitate to contact Sarah Case-Herron, Director of Governmental Affairs at sarah.case-herron@maryland.gov.

Sincerely,

A handwritten signature in blue ink, appearing to read "LH Scott", is enclosed within a faint, light blue rectangular border.

Laura Herrera Scott, M.D., M.P.H.
Secretary

³ See 42 U.S.C. Ann., §§ 2000ff *et. seq.*; PROHIBITING EMPLOYMENT DISCRIMINATION ON THE BASIS OF GENETIC INFORMATION, <https://uscode.house.gov/view.xhtml?path=/prelim@title42/chapter21F&edition=prelim> (last accessed February 27, 2024)