



THE SENATE OF MARYLAND
ANNAPOLIS, MARYLAND 21401

Testimony in Support of Senate Bill 757 – Genetic Testing – Prohibition on Disability, Life, and Long-Term Care Insurance (Genetic Testing Protection Act)

The bill seeks to prohibit 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.

No one should have to choose between understanding their genetic health risks and securing their financial future. Senate Bill 757 ensures that Marylanders can seek genetic testing without fear of losing life insurance, long-term care coverage, or disability benefits. By prohibiting insurers from using genetic information to deny coverage, raise premiums, or impose restrictions, this bill upholds fairness, privacy, and the right to make informed healthcare decisions without penalty. Senate Bill 757 seeks to prohibit insurance carriers offering life insurance, long-term care insurance, or disability insurance from denying coverage, adjusting premiums, or imposing restrictions based on an individual's results of genetic testing. This bill ensures that individuals are not penalized for seeking genetic information to make informed healthcare decisions.

The pressing need for stronger protections against genetic testing discrimination in Maryland is evident as gaps in current federal laws leave individuals vulnerable to insurance-related biases. These gaps include but are not limited to:

- Federal protections against genetic discrimination exist under the Genetic Information Nondiscrimination Act of 2008 (GINA), which prohibits the use of genetic information in health insurance and employment. However, GINA does not extend these protections to life insurance, long-term care insurance, or disability insurance, leaving individuals vulnerable to discrimination in these critical areas.
- Additionally, the Health Insurance Portability and Accountability Act (HIPAA) prohibits health insurers from using genetic information to determine eligibility or benefits, but its protections do not cover life, long-term care, or disability insurance.

Effects of Gaps in Federal Laws

As genetic testing becomes more prevalent in preventive medicine, the lack of comprehensive protections creates an environment where individuals may avoid life-saving genetic testing for fear of discrimination.

State- Level Precedents

Florida enacted House Bill 1189, to prohibit life and long-term care insurers from canceling, limiting, or denying coverage or adjusting premium rates based on genetic information. California also established

similar measures through the Genetic Information Privacy Act ensuring individuals retain control over their genetic information.

Senate Bill 757 is a necessary step to align Maryland with these states in safeguarding consumer rights. It protects individuals from insurance discrimination based on genetic predisposition rather than actual medical diagnoses. Insurers should base their decisions on manifested health conditions rather than potential future risks inferred from genetic data. Protecting individuals from genetic discrimination encourages participation in genetic testing, which can facilitate early detection, preventive care, and personalized treatment strategies.

By passing SB757, Maryland will ensure that its residents are not penalized for seeking knowledge about their health. This bill promotes the fairness and consumer protection needed in our insurance system.

Therefore, I respectfully request a favorable report on SB757.