

SENATE BILL 142

C4, J1

4lr1312

(PRE-FILED)

By: **Senator Klausmeier**

Requested: October 31, 2023

Introduced and read first time: January 10, 2024

Assigned to: Finance

A BILL ENTITLED

1 AN ACT concerning

2 **Genetic Testing – Prohibitions on Disability, Life, and Long-Term Care**
3 **Insurance**
4 **(Genetic Testing Protection Act of 2024)**

5 FOR the purpose of prohibiting insurance carriers that offer life insurance, long-term care
6 insurance, or disability insurance policies or contracts from taking certain actions
7 relating to coverage based on whether an applicant or a policy or contract holder has
8 requested or undergone genetic testing or the results of the genetic testing; and
9 generally relating to genetic testing.

10 BY adding to
11 Article – Insurance
12 Section 27–909.1
13 Annotated Code of Maryland
14 (2017 Replacement Volume and 2023 Supplement)

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

17 **Article – Insurance**

18 **27–909.1.**

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

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

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



(3) (I) "GENETIC INFORMATION" MEANS INFORMATION:

1. DERIVED FROM A GENETIC TEST ABOUT CHROMOSOMES, GENES, GENE PRODUCTS, OR INHERITED CHARACTERISTICS 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.

(II) "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; OR

4. TESTS FOR THE PRESENCE OF THE HUMAN IMMUNODEFICIENCY VIRUS.

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

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

(6) "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 ACCESSING AN APPLICANT'S MEDICAL RECORD AS PART OF THE APPLICATION PROCESS.

1 **(C) AN INSURANCE CARRIER THAT OFFERS, ISSUES, OR DELIVERS A LIFE**
2 **INSURANCE, LONG-TERM CARE INSURANCE, OR DISABILITY INSURANCE POLICY OR**
3 **CONTRACT IN THE STATE MAY NOT:**

4 **(1) DENY OR LIMIT COVERAGE BASED ON WHETHER AN APPLICANT OR**
5 **A POLICY OR CONTRACT HOLDER HAS UNDERGONE A GENETIC TEST;**

6 **(2) PROHIBIT, AS A CONDITION OF CONTINUING COVERAGE, A POLICY**
7 **OR CONTRACT HOLDER FROM UNDERGOING A GENETIC TEST; OR**

8 **(3) USE A GENETIC TEST, THE RESULTS OF A GENETIC TEST, GENETIC**
9 **INFORMATION, OR A REQUEST FOR GENETIC SERVICES TO REJECT, DENY, LIMIT,**
10 **CANCEL, REFUSE TO RENEW, INCREASE THE RATES OF, AFFECT THE TERMS OR**
11 **CONDITIONS OF, OR OTHERWISE AFFECT A LIFE INSURANCE, LONG-TERM CARE**
12 **INSURANCE, OR DISABILITY INSURANCE POLICY OR CONTRACT.**

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

16 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
17 October 1, 2024.