

SENATE BILL 757

C4, J1
SB 142/24 – FIN

5lr2660
CF HB 1007

By: **Senator A. Washington**

Introduced and read first time: January 27, 2025

Assigned to: Finance

Committee Report: Favorable with amendments

Senate action: Adopted with floor amendments

Read second time: March 18, 2025

CHAPTER _____

1 AN ACT concerning

2 ~~**Genetic Testing – Prohibition on Disability, Life, and Long Term Care**~~
3 ~~**Insurance**~~
4 **Disability and Life Insurance – Medical Information**
5 **(Genetic Testing Protection Act)**

6 FOR the purpose of prohibiting insurance carriers that offer life insurance, ~~long-term care~~
7 ~~insurance~~, or disability insurance policies or contracts from ~~taking certain actions~~
8 ~~relating to coverage based on whether an applicant or a policy or contract holder has~~
9 ~~requested or undergone genetic testing or the results of the genetic testing; unfairly~~
10 discriminating against an individual by taking certain actions relating to coverage
11 based on medical information; prohibiting certain carriers from accessing sensitive
12 medical information without first obtaining written consent or mandating certain
13 genetic testing or full genome sequencing for a certain purpose; and generally
14 relating to ~~genetic testing~~ life and disability insurance.

15 BY adding to
16 Article – Insurance
17 Section 27–909.1
18 Annotated Code of Maryland
19 (2017 Replacement Volume and 2024 Supplement)

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

22 **Article – Insurance**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 27-909.1.

2 (A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS
3 INDICATED.

4 ~~(2) "GENE PRODUCT" MEANS THE BIOCHEMICAL MATERIAL, EITHER~~
5 ~~RNA OR PROTEIN, MADE BY A GENE.~~

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

7 ~~1. DERIVED FROM A GENETIC TEST ABOUT~~
8 ~~CHROMOSOMES, GENES, OR GENE PRODUCTS THAT MAY DERIVE FROM AN~~
9 ~~INDIVIDUAL OR A FAMILY MEMBER;~~

10 ~~2. NOT OBTAINED FOR DIAGNOSTIC OR THERAPEUTIC~~
11 ~~PURPOSES; AND~~

12 ~~3. OBTAINED AT A TIME WHEN THE INDIVIDUAL TO~~
13 ~~WHOM THE INFORMATION RELATES IS ASYMPTOMATIC FOR THE DISEASE,~~
14 ~~DISORDER, ILLNESS, OR IMPAIRMENT TO WHICH THE INFORMATION RELATES.~~

15 ~~(H) "GENETIC INFORMATION" DOES NOT INCLUDE:~~

16 ~~1. ROUTINE PHYSICAL MEASUREMENTS;~~

17 ~~2. CHEMICAL, BLOOD, AND URINE ANALYSES THAT ARE~~
18 ~~WIDELY ACCEPTED AND IN USE IN CLINICAL PRACTICE;~~

19 ~~3. TESTS FOR USE OF DRUGS;~~

20 ~~4. TESTS FOR THE PRESENCE OF THE HUMAN~~
21 ~~IMMUNODEFICIENCY VIRUS; OR~~

22 ~~5. FAMILY MEDICAL HISTORY, EXCEPT FOR FAMILY~~
23 ~~GENETICS AS THEY RELATE TO A GENETIC TEST DESCRIBED IN SUBPARAGRAPH (I)1~~
24 ~~OF THIS PARAGRAPH.~~

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

~~(5)~~ (2) "GENETIC TEST" MEANS AN ANALYSIS OF HUMAN DNA, RNA, CHROMOSOMES, PROTEINS, OR METABOLITES THAT DETECTS GENOTYPES, MUTATIONS, OR CHROMOSOMAL CHANGES.

~~(6)~~ (3) "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:

(I) ACCESSING AN APPLICANT'S MEDICAL RECORD AS PART OF THE APPLICATION PROCESS; OR

(II) CONSIDERING A MEDICAL DIAGNOSIS INCLUDED IN AN INDIVIDUAL'S MEDICAL RECORD, EVEN IF THE DIAGNOSIS WAS BASED ON THE RESULTS OF A GENETIC TEST.

(C) (1) ~~AN~~ EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION AND SUBJECT TO PARAGRAPH (3) OF THIS SUBSECTION, AN INSURANCE CARRIER THAT OFFERS, ISSUES, OR DELIVERS A LIFE INSURANCE, ~~LONG TERM CARE INSURANCE~~, OR DISABILITY INSURANCE POLICY OR CONTRACT IN THE STATE MAY NOT: UNFAIRLY DISCRIMINATE AGAINST AN INDIVIDUAL BY CONDITIONING INSURANCE RATES, THE PROVISION OR RENEWAL OF INSURANCE COVERAGE, OR OTHER CONDITIONS OF INSURANCE BASED ON MEDICAL INFORMATION, INCLUDING THE RESULTS OF A GENETIC TEST FOR WHICH THERE IS NOT A RELATIONSHIP BETWEEN THE MEDICAL INFORMATION AND THE COST OF THE INSURANCE RISK THAT THE INSURER WOULD ASSUME BY INSURING THE APPLICANT.

(2) IN DEMONSTRATING THE RELATIONSHIP DESCRIBED IN PARAGRAPH (1) OF THIS SUBSECTION, THE INSURER MAY RELY ON ACTUARIALLY SOUND PRINCIPLES OR ACTUAL OR REASONABLY ANTICIPATED EXPERIENCE.

(3) AN INSURANCE CARRIER THAT OFFERS, ISSUES, OR DELIVERS A LIFE INSURANCE OR DISABILITY INSURANCE POLICY OR CONTRACT IN THE STATE MAY NOT:

(I) ACCESS SENSITIVE MEDICAL INFORMATION, INCLUDING THE GENETIC DATA OF AN INDIVIDUAL, WITHOUT FIRST OBTAINING THE INDIVIDUAL'S SIGNED, WRITTEN CONSENT; OR

1 **(II) MANDATE ~~EXISTING OR NEW~~ GENETIC TESTING OR FULL**
2 **GENOME SEQUENCING AS A PREREQUISITE FOR LIFE INSURANCE OR DISABILITY**
3 **INSURANCE ELIGIBILITY OR COVERAGE.**

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

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

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

13 **(2) (4) THE INSURANCE CARRIER, APPLICANT, OR POLICY OR**
14 **CONTRACT HOLDER MAY NOT ~~CHANGE, WAIVE, DISCHARGE, OR TERMINATE~~ THE**
15 **PROVISIONS OF PARAGRAPH ~~(1)~~ (3)(II) OF THIS SUBSECTION UNDER ANY**
16 **CIRCUMSTANCES.**

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

20 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
21 October 1, 2025.

Approved:

Governor.

President of the Senate.

Speaker of the House of Delegates.