

1 TO THE HONORABLE SENATE:

2 The Committee on Health and Welfare to which was referred Senate Bill
3 No. 197 entitled “An act relating to prohibiting discrimination based on genetic
4 information” respectfully reports that it has considered the same and
5 recommends that the bill be amended as follows:

6 First: By striking out Sec. 3, 18 V.S.A. § 9334, in its entirety and inserting
7 in lieu thereof a new Sec. 3 to read:

8 Sec. 3. 18 V.S.A. § 9334 is amended to read:

9 § 9334. GENETIC TESTING AS A CONDITION OF INSURANCE
10 COVERAGE

11 (a) No policy of insurance offered for delivery or issued in this State shall
12 be underwritten or conditioned on the basis of:

13 (1) any requirement or agreement of the individual to undergo genetic
14 testing; ~~or~~

15 (2) genetic information of the individual that may be associated with a
16 potential genetic condition in that individual but that has not caused a
17 diagnosed condition in the individual; or

18 (3) ~~the results of genetic testing of genetic information of~~ a member of
19 the individual’s family.

20 * * *

1 Second: By striking out Sec. 4, 8 V.S.A. § 3702, in its entirety and
2 inserting in lieu thereof a new Sec. 4 to read:
3 Sec. 4. 8 V.S.A. § 3702 is amended to read:
4 § 3702. OTHER PROHIBITED PRACTICES

5 A life insurance company doing business in the State or an agent thereof
6 shall not:

7 * * *

8 (3) grant a special favor or advantage in the dividends or other benefits
9 to accrue thereon; or
10 (4) provide any valuable consideration or inducement not specified in
11 the policy; or

12 (5)(A) Condition insurance rates, the provision or renewal of insurance
13 coverage or benefits, or other conditions of insurance for any individual on:

14 (i) any requirement or agreement of the individual to undergo
15 genetic testing;

16 (ii) genetic information of the individual that may be associated
17 with a potential genetic condition in that individual but that has not caused a
18 diagnosed condition in the individual; or

19 (iii) the genetic information of a member of the individual's
20 family.

1 (B) As used in this subdivision (5), “genetic testing” and “genetic
2 information” have the same meaning as in 18 V.S.A. § 9331.

3 Third: By striking out Sec. 5, 8 V.S.A. § 4724, in its entirety and inserting
4 in lieu thereof a new Sec. 5 to read:

5 Sec. 5. 8 V.S.A. § 4724 is amended to read:

6 § 4724. UNFAIR METHODS OF COMPETITION OR UNFAIR OR
7 DECEPTIVE ACTS OR PRACTICES DEFINED

8 The following are hereby defined as unfair methods of competition or unfair
9 or deceptive acts or practices in the business of insurance:

10 * * *

11 (7) Unfair discrimination; arbitrary underwriting action.

12 * * *

13 (D) Making or permitting any unfair discrimination against any
14 individual by conditioning insurance rates, the provision or renewal of
15 insurance coverage, or other conditions of insurance based on medical
16 information, including the results of genetic testing, where there is not a
17 relationship between the medical information and the cost of the insurance risk
18 that the insurer would assume by insuring the proposed insured. In
19 demonstrating the relationship, the insurer can rely on actual or reasonably
20 anticipated experience. ~~As used in this subdivision, “genetic testing” shall be~~
21 ~~defined as the term is defined in 18 V.S.A. § 9331(7).~~

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(F)(i) Making or permitting any unfair discrimination against any individual by conditioning insurance rates, the provision or renewal of insurance coverage, or other conditions of insurance on:

(I) any requirement or agreement of the individual to undergo genetic testing;

(II) genetic information of the individual that may be associated with a potential genetic condition in that individual, but which has not caused a diagnosed condition in the individual; or

(III) the genetic information of a member of the individual's family.

(ii) As used in this subdivision (7)(F), “genetic testing” and “genetic information” have the same meaning as in 18 V.S.A. § 9331.

* * *

(22) Genetic testing.

(A) Conditioning insurance rates, the provision or renewal of insurance coverage or benefits, or other conditions of insurance for any individual on:

(i) any requirement or agreement of the individual to undergo genetic testing; ~~or~~

1 (ii) genetic information of the individual that may be associated
2 with a potential genetic condition in that individual but that has not caused a
3 diagnosed condition in the individual; or

4 (iii) ~~the results of genetic testing~~ genetic information of a member
5 of the individual's family unless the results are contained in the individual's
6 medical record.

7 (B) As used in this subdivision (22), "genetic testing" shall be
8 ~~defined as the term is defined~~ and "genetic information" have the same
9 meaning as in 18 V.S.A. § 9331(7) 9331.

10 Fourth: By striking out Sec. 7, 8 V.S.A. § 8086, in its entirety and inserting
11 in lieu thereof a new Sec. 7 to read:

12 Sec. 7. 8 V.S.A. § 8086 is amended to read:

13 § 8086. PREEXISTING CONDITIONS; GENETIC TESTING

14 * * *

15 (b)(1) No long-term care insurance policy or certificate may exclude
16 coverage for a loss or confinement which is the result of a preexisting
17 condition, unless such loss or confinement begins within six months following
18 the effective date of coverage of an insured person.

19 (2)(A) No long-term care insurance policy or certificate may condition
20 insurance rates, the provision or renewal of insurance coverage or benefits, or
21 other conditions of insurance for any individual on:

