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; <del>or</del>
15	(2) genetic information of the individual that may be associated with a
16	potential genetic condition in that individual but that has not resulted in 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 do any of the following:
7	(1) issue Issue a policy of insurance or make an agreement other than
8	that plainly expressed in the policy issued to the insured;
9	(2) pay Pay or allow, or offer to pay or allow, as an inducement to
10	insurance, a rebate or premium payable on the policy;
11	(3) grant Grant a special favor or advantage in the dividends or other
12	benefits to accrue thereon; or.
13	(4) provide Provide any valuable consideration or inducement not
14	specified in the policy.
15	(5)(A) Condition insurance rates, the provision or renewal of insurance
16	coverage or benefits, or other conditions of insurance for any individual on:
17	(i) any requirement or agreement of the individual to undergo
18	genetic testing;
19	(ii) genetic information of the individual that may be associated
20	with a potential genetic condition in that individual but that has not resulted in
21	a diagnosed condition in the individual; or

1	(iii) the genetic information of a member of the individual's
2	<u>family.</u>
3	(B) As used in this subdivision (5), "genetic testing" and "genetic
4	information" have the same meaning as in 18 V.S.A. § 9331.
5	(C) Notwithstanding subdivisions (A) and (B) of this subdivision (5),
6	a life insurance company or its agent may condition insurance rates, the
7	provision or renewal of insurance coverage or benefits, or other conditions of
8	insurance for an individual on the individual's family medical history,
9	including the manifestation of a disease or disorder in one or more family
10	members of the individual, provided that there is a relationship between the
11	individual's family medical history and the cost of the insurance risk that the
12	insurer would assume by insuring the individual. In demonstrating the
13	relationship, the insurer can rely on actual or reasonably anticipated
14	experience.
15	(6) Request, require, purchase, or use information obtained from an
16	entity providing direct-to-consumer genetic testing without the informed
17	written consent of the individual who has been tested.
18	Third: By striking out Sec. 5, 8 V.S.A. § 4724, in its entirety and inserting
19	in lieu thereof a new Sec. 5 to read:
20	Sec. 5. 8 V.S.A. § 4724 is amended to read:
21	§ 4724. UNFAIR METHODS OF COMPETITION OR UNFAIR OR

1	DECEPTIVE ACTS OR PRACTICES DEFINED
2	The following are hereby defined as unfair methods of competition or unfair
3	or deceptive acts or practices in the business of insurance:
4	* * *
5	(7) Unfair discrimination; arbitrary underwriting action.
6	* * *
7	(D) Making or permitting any unfair discrimination against any
8	individual by conditioning insurance rates, the provision or renewal of
9	insurance coverage, or other conditions of insurance based on medical
10	information, including the results of genetic testing, where there is not a
11	relationship between the medical information and the cost of the insurance risk
12	that the insurer would assume by insuring the proposed insured. In
13	demonstrating the relationship, the insurer can rely on actual or reasonably
14	anticipated experience. As used in this subdivision, "genetic testing" shall be
15	defined as the term is defined in 18 V.S.A. § 9331(7).
16	* * *
17	(F)(i) Making or permitting any unfair discrimination against any
18	individual by conditioning insurance rates, the provision or renewal of
19	insurance coverage, or other conditions of insurance on:
20	(I) any requirement or agreement of the individual to undergo
21	genetic testing;

1	(II) genetic information of the individual that may be
2	associated with a potential genetic condition in that individual, but which has
3	not resulted in a diagnosed condition in the individual; or
4	(III) the genetic information of a member of the individual's
5	<u>family.</u>
6	(ii) As used in this subdivision (7)(F), "genetic testing" and
7	"genetic information" have the same meaning as in 18 V.S.A. § 9331.
8	* * *
9	(22) Genetic testing.
10	(A) Conditioning insurance rates, the provision or renewal of
11	insurance coverage or benefits, or other conditions of insurance for any
12	individual on:
13	(i) any requirement or agreement of the individual to undergo
14	genetic testing; or
15	(ii) genetic information of the individual that may be associated
16	with a potential genetic condition in that individual but that has not resulted in
17	a diagnosed condition in the individual; or
18	(iii) the results of genetic testing genetic information of a member
19	of the individual's family unless the results are contained in the individual's
20	medical record.

1	(B) As used in this subdivision (22), "genetic testing" shall be
2	defined as the term is defined and "genetic information" have the same
3	meaning as in 18 V.S.A. § 9331(7) 9331.
4	Fourth: By striking out Sec. 7, 8 V.S.A. § 8086, in its entirety and inserting
5	in lieu thereof a new Sec. 7 to read:
6	Sec. 7. 8 V.S.A. § 8086 is amended to read:
7	§ 8086. PREEXISTING CONDITIONS; GENETIC TESTING
8	* * *
9	(b)(1) No long-term care insurance policy or certificate may exclude
10	coverage for a loss or confinement which is the result of a preexisting
11	condition, unless such loss or confinement begins within six months following
12	the effective date of coverage of an insured person.
13	(2)(A) No long-term care insurance policy or certificate may condition
14	insurance rates, the provision or renewal of insurance coverage or benefits, or
15	other conditions of insurance for any individual on:
16	(i) any requirement or agreement of the individual to undergo
17	genetic testing:
18	(ii) genetic information of the individual that may be associated
19	with a potential genetic condition in that individual but that has not resulted in
20	a diagnosed condition in the individual; or

1	(iii) the genetic information of a member of the individual's
2	family.
3	(B) As used in this subdivision, "genetic testing" and "genetic
4	information" have the same meaning as in 18 V.S.A. § 9331.
5	* * *
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7	
8	
9	
10	(Committee vote:)
11	
12	Senator
13	FOR THE COMMITTEE