1	TO THE HOUSE OF REPRESENTATIVES:	
2	The Committee on Health Care to which was referred Senate Bill No. 247	
3	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 House propose to the Senate that the bill be amended by	
6	striking out all after the enacting clause and inserting in lieu thereof the	
7	following:	
8	* * * Genetic Information and Testing * * *	
9	Sec. 1. 18 V.S.A. § 9331 is amended to read:	
10	§ 9331. DEFINITIONS	
11	For purposes of As used in this chapter:	
12	* * *	
13	(6) "Genetic information" means the results of genetic testing related to	
14	an individual or a family member of the individual contained in any report,	
15	interpretation, evaluation, or other record thereof.	
16	* * *	
17	Sec. 2. 18 V.S.A. § 9332 is amended to read:	
18	§ 9332. GENETIC TESTING; LIMITATIONS	
19	* * *	

1	(b) A person may be required to undergo genetic testing in connection with		
2	insurance subject to the limitations imposed under section 9334 of this title or		
3	if otherwise required by law for the following reasons:		
4	* * *		
5	(f) Except for the provisions of subsection (b) of this section, at the time of		
6	suggesting or requesting that an individual consent to genetic testing, the		
7	person making the suggestion or request shall advise the individual subject of		
8	the test that the results of the test:		
9	(1) the results of the test may become part of the individual's permanent		
10	medical record; and		
11	(2) genetic information of the individual that is associated with a		
12	medical diagnosis in the individual's medical record may be material to the		
13	ability of the individual to obtain certain insurance benefits.		
14	Sec. 3. 18 V.S.A. § 9333 is amended to read:		
15	§ 9333. GENETIC TESTING; EMPLOYMENT; MEMBERSHIP IN A		
16	LABOR ORGANIZATION; PROFESSIONAL LICENSURE		
17	* * *		
18	(b) As used in this section, "employment" includes application for		
19	employment, provided that subject to the underwriting limitations of section		
20	9334 of this title, this subsection shall not prohibit the use of genetic testing		
21	results or genetic information of an individual that is associated with a medical		

1	diagnosis in the individual's medical record in connection with life, disability	
2	income, or long-term care insurance provided under an employee benefit plan.	
3	* * *	
4	Sec. 4. 18 V.S.A. § 9334 is amended to read:	
5	§ 9334. GENETIC TESTING AS A CONDITION OF INSURANCE	
6	COVERAGE	
7	(a)(1) No policy of insurance offered for delivery or issued in this State	
8	shall be underwritten or conditioned on the basis of:	
9	(1)(A) any requirement or agreement of the individual to undergo	
10	genetic testing; <del>or</del>	
11	(2)(B) genetic information of the individual that may be associated with	
12	a potential genetic condition in that individual but that has not resulted in a	
13	medical diagnosis in the individual's medical record; or	
14	(C) the results of genetic testing information of a member of the	
15	individual's family that may be associated with a potential genetic condition in	
16	that family member but that has not resulted in a medical diagnosis in the	
17	family member's medical record.	
18	(2) An insurer doing business in this State shall not request, require,	
19	purchase, or use information obtained from an entity providing direct-to-	

1	consumer genetic testing without the informed written consent of the
2	individual who has been tested.
3	* * *
4	* * * Insurance * * *
5	Sec. 5. 8 V.S.A. § 3702 is amended to read:
6	§ 3702. OTHER PROHIBITED PRACTICES
7	A life insurance company doing business in the State or an agent thereof
8	shall not do any of the following:
9	(1) issue Issue a policy of insurance or make an agreement other than
10	that plainly expressed in the policy issued to the insured;.
11	(2) <u>pay Pay</u> or allow, or offer to pay or allow, as an inducement to
12	insurance, a rebate or premium payable on the policy;.
13	(3) grant Grant a special favor or advantage in the dividends or other
14	benefits to accrue thereon; or.
15	(4) provide Provide any valuable consideration or inducement not
16	specified in the policy.
17	(5)(A) Condition insurance rates, the provision or renewal of insurance
18	coverage or benefits, or other conditions of insurance for any individual on:
19	(i) any requirement or agreement of the individual to undergo
20	genetic testing;

1	(ii) genetic information of the individual that may be associated		
2	with a potential genetic condition in that individual but that has not resulted in		
3	a medical diagnosis in the individual's medical record; or		
4	(iii) genetic information of a member of the individual's family		
5	that may be associated with a potential genetic condition in that family		
6	member but that has not resulted in a medical diagnosis in the family		
7	member's medical record.		
8	(B) As used in this subdivision (5), "genetic testing" and "genetic		
9	information" have the same meanings as in 18 V.S.A. § 9331.		
10	(6) Request, require, purchase, or use information obtained from an		
11	entity providing direct-to-consumer genetic testing without the informed		
12	written consent of the individual who has been tested.		
13	Sec. 6. 8 V.S.A. § 4724 is amended to read:		
14	§ 4724. UNFAIR METHODS OF COMPETITION OR UNFAIR OR		
15	DECEPTIVE ACTS OR PRACTICES DEFINED		
16	The following are hereby defined as unfair methods of competition or unfair		
17	or deceptive acts or practices in the business of insurance:		
18	* * *		
19	(7) Unfair discrimination; arbitrary underwriting action.		
20	* * *		

1	(D) Making or permitting any unfair discrimination against any	
2	individual by conditioning insurance rates, the provision or renewal of	
3	insurance coverage, or other conditions of insurance based on medical	
4	information, including the results of genetic testing, where there is not a	
5	relationship between the medical information and the cost of the insurance risk	
6	that the insurer would assume by insuring the proposed insured. In	
7	demonstrating the relationship, the insurer can rely on actual or reasonably	
8	anticipated experience. As used in this subdivision, "genetic testing" shall be	
9	defined as the term is defined in 18 V.S.A. § 9331(7).	
10	* * *	
11	(F)(i) Making or permitting any unfair discrimination against any	
12	individual by conditioning insurance rates, the provision or renewal of	
13	insurance coverage, or other conditions of insurance 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	
17	associated with a potential genetic condition in that individual but that has not	
18	resulted in a medical diagnosis in the individual's medical record; or	
19	(III) genetic information of a member of the individual's family	
20	that may be associated with a potential genetic condition in that family	

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

1	(B) <u>Requesting, requiring, purchasing, or using information obtained</u>
2	from an entity providing direct-to-consumer genetic testing without the
3	informed written consent of the individual who has been tested.
4	(C) As used in this subdivision (22), "genetic testing" shall be
5	defined as the term is defined and "genetic information" have the same
6	<u>meanings as</u> in 18 V.S.A. § <del>9331(7)</del> <u>9331</u> .
7	Sec. 7. 8 V.S.A. § 5115 is amended to read:
8	§ 5115. DUTY OF NONPROFIT HEALTH MAINTENANCE
9	ORGANIZATIONS
10	(a) Any nonprofit health maintenance organization subject to this chapter
11	shall offer nongroup plans to individuals in accordance with section 4080b of
12	this title without discrimination based on age, gender, industry, genetic
13	information, and medical history, except as allowed by subdivisions
14	4080a(h)(2)(B) and 4080b(h)(2)(B) of this title pursuant to 33 V.S.A.
15	<u>§ 1811(f)(2)(A)</u> .
16	(b) As used in this section, "genetic information" has the same meaning as
17	<u>in 18 V.S.A. § 9331.</u>
18	Sec. 8. 8 V.S.A. § 8086 is amended to read:
19	§ 8086. PREEXISTING CONDITIONS; GENETIC TESTING
20	* * *

1	(b)(1) No long-term care insurance policy or certificate may exclude
2	coverage for a loss or confinement which that is the result of a preexisting
3	condition, unless such the loss or confinement begins within six months
4	following the effective date of coverage of an insured person.
5	(2)(A) No long-term care insurance policy or certificate may condition
6	insurance rates, the provision or renewal of insurance coverage or benefits, or
7	other conditions of insurance for any individual on:
8	(i) any requirement or agreement of the individual to undergo
9	genetic testing;
10	(ii) genetic information of the individual that may be associated
11	with a potential genetic condition in that individual but that has not resulted in
12	a medical diagnosis in the individual's medical record; or
13	(iii) genetic information of a member of the individual's family
14	that may be associated with a potential genetic condition in that family
15	member but that has not resulted in a medical diagnosis in the family
16	member's medical record.
17	(B) An insurer shall not request, require, purchase, or use information
18	obtained from an entity providing direct-to-consumer genetic testing without
19	the informed written consent of the individual who has been tested.
20	(C) As used in this subdivision (2), "genetic testing" and "genetic
21	information" have the same meanings as in 18 V.S.A. § 9331.

1	* * *
2	Sec. 9. 8 V.S.A. § 4588 is amended to read:
3	§ 4588. ANNUAL REPORT TO COMMISSIONER
4	(a) Annually, on or before March 1, a medical service corporation shall file
5	with the Commissioner of Financial Regulation a statement sworn to by the
6	president and treasurer of the corporation showing its condition on December
7	31, which shall be in such form and contain such matters as the Commissioner
8	shall prescribe. To qualify for the tax exemption set forth in section 4590 of
9	this title, the statement shall include a certification that the medical service
10	corporation operates on a nonprofit basis for the purpose of providing an
11	adequate medical service plan to individuals of the State, both groups and
12	nongroups, without discrimination based on age, gender, geographic area,
13	industry, genetic information, and medical history, except as allowed by
14	subdivisions 4080a(h)(2)(B) and 4080b(h)(2)(B) of this title pursuant to
15	<u>33 V.S.A. § 1811(f)(2)(A)</u> .
16	(b) As used in this section, "genetic information" has the same meaning as
17	<u>in 18 V.S.A. § 9331.</u>
18	Sec. 10. 8 V.S.A. § 4516 is amended to read:
19	§ 4516. ANNUAL REPORT TO COMMISSIONER
20	(a) Annually, on or before March 1, a hospital service corporation shall file
21	with the Commissioner of Financial Regulation a statement sworn to by the

1	president and treasurer of the corporation showing its condition on		
2	December 31. The statement shall be in such form and contain such matters as		
3	the Commissioner shall prescribe. To qualify for the tax exemption set forth in		
4	section 4518 of this title, the statement shall include a certification that the		
5	hospital service corporation operates on a nonprofit basis for the purpose of		
6	providing an adequate hospital service plan to individuals of the State, both		
7	groups and nongroups, without discrimination based on age, gender,		
8	geographic area, industry, genetic information, and medical history, except as		
9	allowed by subdivisions 4080a(h)(2)(B) and 4080b(h)(2)(B) of this title		
10	pursuant to 33 V.S.A. § 1811(f)(2)(A).		
11	(b) As used in this section, "genetic information" has the same meaning as		
12	<u>in 18 V.S.A. § 9331.</u>		
13	* * * State Assistance and Benefits * * *		
14	Sec. 11. 33 V.S.A. § 101 is amended to read:		
15	§ 101. POLICY		
16	It is the policy of the State of Vermont that:		
17	* * *		
18	(3) Assistance and benefits shall be administered promptly, with due		
19	regard for the preservation of family life, and without restriction of individual		
20	rights or discrimination on account of race, religion, political affiliation,		
21	genetic information, or place of residence within the State.		

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1	* * *	
2	* * * Effective D	Date * * *
3	Sec. 12. EFFECTIVE DATE	
4	This act shall take effect on July 1, 2022	<u>.</u>
5		
6		
7		
8		
9	(Committee vote:)	
10		
11		Representative
12		FOR THE COMMITTEE