| 1 | S.247 |
|----|--|
| 2 | Representatives Marcotte of Coventry, Dickinson of St. Albans Town, |
| 3 | Jerome of Brandon, Kascenska of Burke, Kimbell of Woodstock, Laroche of |
| 4 | Franklin, Nicoll of Ludlow, Nigro of Bennington, and White of Bethel move |
| 5 | that the House propose to the Senate that the report of the Committee on |
| 6 | Health Care be amended by striking out all after the enacting clause and |
| 7 | inserting in lieu thereof the 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 other individuals who are genetically related to the individual, |
| 15 | contained in any report, interpretation, evaluation, or other record thereof. |
| 16 | * * * |
| 17 | Sec. 2. 18 V.S.A. § 9334 is amended to read: |
| 18 | § 9334. GENETIC TESTING AS A CONDITION OF INSURANCE |
| 19 | COVERAGE |
| 20 | (a) No policy of insurance offered for delivery or issued in this State shall |
| 21 | be underwritten or conditioned on the basis of: |

| 1 | (1) any requirement or agreement of the individual to undergo genetic |
|----|--|
| 2 | testing; or |
| 3 | (2) the results of genetic testing of a member of the individual's family |
| 4 | genetic information of a person who is genetically related to the individual |
| 5 | unless the information is contained in the individual's medical record. |
| 6 | * * * |
| 7 | * * * Insurance * * * |
| 8 | Sec. 3. 8 V.S.A. § 4724 is amended to read: |
| 9 | § 4724. UNFAIR METHODS OF COMPETITION OR UNFAIR OR |
| 10 | DECEPTIVE ACTS OR PRACTICES DEFINED |
| 11 | The following are hereby defined as unfair methods of competition or unfair |
| 12 | or deceptive acts or practices in the business of insurance: |
| 13 | * * * |
| 14 | (7) Unfair discrimination; arbitrary underwriting action. |
| 15 | * * * |
| 16 | (D) Making or permitting any unfair discrimination against any |
| 17 | individual by conditioning insurance rates, the provision or renewal of |
| 18 | insurance coverage, or other conditions of insurance based on medical |
| 19 | information, including the results of genetic testing genetic information, where |
| 20 | there is not a relationship between the medical information and the cost of the |
| 21 | insurance risk that the insurer would assume by insuring the proposed insured. |

| 1 | In demonstrating the relationship, the insurer can rely on actual or reasonably |
|----|---|
| 2 | anticipated experience. As used in this subdivision, "genetic testing" shall be |
| 3 | defined as the term is defined in 18 V.S.A. § 9331(7) "genetic information" |
| 4 | has the same meaning 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; or |
| 12 | (ii) the results of genetic testing of a member of the individual's |
| 13 | family unless the results are information of a person who is genetically related |
| 14 | to the individual unless the information is contained in the individual's medical |
| 15 | record. |
| 16 | (B) As used in this subdivision (22), "genetic testing" shall be |
| 17 | defined as the term is defined and "genetic information" have the same |
| 18 | meanings as in 18 V.S.A. § 9331(7) 9331. |
| 19 | Sec. 4. 8 V.S.A. § 5115 is amended to read: |
| 20 | § 5115. DUTY OF NONPROFIT HEALTH MAINTENANCE |
| 21 | ORGANIZATIONS |

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

1 allowed by subdivisions 4080a(h)(2)(B) and 4080b(h)(2)(B) of this title 2 pursuant to 33 V.S.A. § 1811(f)(2)(A). 3 (b) As used in this section, "genetic information" has the same meaning as 4 in 18 V.S.A. § 9331. 5 Sec. 6. 8 V.S.A. § 4516 is amended to read: 6 § 4516. ANNUAL REPORT TO COMMISSIONER 7 (a) Annually, on or before March 1, a hospital service corporation shall file 8 with the Commissioner of Financial Regulation a statement sworn to by the 9 president and treasurer of the corporation showing its condition on 10 December 31. The statement shall be in such form and contain such matters as 11 the Commissioner shall prescribe. To qualify for the tax exemption set forth in 12 section 4518 of this title, the statement shall include a certification that the 13 hospital service corporation operates on a nonprofit basis for the purpose of 14 providing an adequate hospital service plan to individuals of the State, both 15 groups and nongroups, without discrimination based on age, gender, 16 geographic area, industry, genetic information, and medical history, except as 17 allowed by subdivisions 4080a(h)(2)(B) and 4080b(h)(2)(B) of this title 18 pursuant to 33 V.S.A. § 1811(f)(2)(A). (b) As used in this section, "genetic information" has the same meaning as 19 20 in 18 V.S.A. § 9331.

| 1 | * * * State Assistance and Benefits * * * |
|----|---|
| 2 | Sec. 7. 33 V.S.A. § 101 is amended to read: |
| 3 | § 101. POLICY |
| 4 | It is the policy of the State of Vermont that: |
| 5 | * * * |
| 6 | (3) Assistance and benefits shall be administered promptly, with due |
| 7 | regard for the preservation of family life, and without restriction of individual |
| 8 | rights or discrimination on account of race, religion, political affiliation, |
| 9 | genetic information, or place of residence within the State. |
| 10 | * * * |
| 11 | * * * Annual Report on Developments in Insurance Laws * * * |
| 12 | Sec. 8. DEVELOPMENTS IN GENETIC INFORMATION-RELATED |
| 13 | INSURANCE LAW; ANNUAL REPORT |
| 14 | On or before January 15 of 2023, 2024, 2025, 2026, and 2027, the |
| 15 | Commissioner of Financial Regulation shall submit to the House Committees |
| 16 | on Commerce and Economic Development and on Health Care and the Senate |
| 17 | Committees on Finance and on Health and Welfare a written report |
| 18 | summarizing the following: |
| 19 | (1) federal and state legislative action regarding the use of genetic |
| 20 | information in relation to insurance; |

| 1 | (2) the experience of states that have adopted restrictions on the use of |
|----|---|
| 2 | genetic information in relation to insurance, including any impacts on costs, |
| 3 | the availability of insurance products, and the stability of insurance pools; |
| 4 | (3) model laws and other information regarding the use of genetic |
| 5 | information in relation to insurance that has been published by the National |
| 6 | Association of Insurance Commissioners or the National Council of Insurance |
| 7 | Legislators; and |
| 8 | (4) any other information that the Commissioner determines to be |
| 9 | appropriate. |
| 10 | * * * Effective Date * * * |
| 11 | Sec. 9. EFFECTIVE DATE |
| 12 | This act shall take effect on July 1, 2022. |