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S.247

Representatives Marcotte of Coventry, Dickinson of St. Albans Town,  
Jerome of Brandon, Kascenska of Burke, Kimbell of Woodstock, Laroche of  
Franklin, Nicoll of Ludlow, Nigro of Bennington, and White of Bethel move  
that the House propose to the Senate that the report of the Committee on  
Health Care be amended by striking out all after the enacting clause and  
inserting in lieu thereof the following:

\* \* \* Genetic Information and Testing \* \* \*

Sec. 1. 18 V.S.A. § 9331 is amended to read:

§ 9331. DEFINITIONS

~~For purposes of~~ As used in this chapter:

\* \* \*

(6) “Genetic information” means the results of genetic testing related to  
an individual, or other individuals who are genetically related to the individual,  
contained in any report, interpretation, evaluation, or other record ~~thereof~~.

\* \* \*

Sec. 2. 18 V.S.A. § 9334 is amended to read:

§ 9334. GENETIC TESTING AS A CONDITION OF INSURANCE

COVERAGE

(a) No policy of insurance offered for delivery or issued in this State shall  
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 § 1811(f)(2)(A).

7        (b) As used in this section, “genetic information” has the same meaning as  
8 in 18 V.S.A. § 9331.

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).

19 (b) As used in this section, “genetic information” has the same meaning as  
20 in 18 V.S.A. § 9331.



