

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 ~~[diagnosed condition in the individual]/[medical diagnosis in the individual’s~~
13 ~~medical record]~~ may be material to the ability of the individual to obtain
14 certain insurance benefits.

15 Sec. 3. 18 V.S.A. § 9333 is amended to read:

16 § 9333. GENETIC TESTING; EMPLOYMENT; MEMBERSHIP IN A
17 LABOR ORGANIZATION; PROFESSIONAL LICENSURE

18 * * *

19 (b) As used in this section, “employment” includes application for
20 employment, provided that subject to the underwriting limitations of section
21 9334 of this title, this subsection shall not prohibit ~~the use of genetic testing~~

1 ~~results or~~ genetic information of an individual that is associated with a
2 [diagnosed condition in the individual]/[medical diagnosis in the individual's
3 medical record] in connection with life, disability income, or long-term care
4 insurance provided under an employee benefit plan.

5 * * *

6 Sec. 4. 18 V.S.A. § 9334 is amended to read:

7 § 9334. GENETIC TESTING AS A CONDITION OF INSURANCE
8 COVERAGE

9 (a)(1) No policy of insurance offered for delivery or issued in this State
10 shall be underwritten or conditioned on the basis of:

11 ~~(1)(A)~~ any requirement or agreement of the individual to undergo
12 genetic testing; or

13 ~~(2)(B)~~ genetic information of the individual that may be associated with
14 a potential genetic condition in that individual but that has not resulted in a
15 [diagnosed condition in the individual]/[medical diagnosis in the individual's
16 medical record]; or

17 ~~(C)~~ the results of genetic testing information of a member of the
18 individual's family that may be associated with a potential genetic condition in

1 that family member but that has not resulted in a diagnosed condition in the
2 family member/[medical diagnosis in the family member's medical record].

3 (2) An insurer doing business in this State shall not request, require,
4 purchase, or use information obtained from an entity providing direct-to-
5 consumer genetic testing without the informed written consent of the
6 individual who has been tested.

7 * * *

8 * * * Insurance * * *

9 Sec. 5. 8 V.S.A. § 3702 is amended to read:

10 § 3702. OTHER PROHIBITED PRACTICES

11 A life insurance company doing business in the State or an agent thereof
12 shall not do any of the following:

13 (1) ~~issue~~ Issue a policy of insurance or make an agreement other than
14 that plainly expressed in the policy issued to the insured;

15 (2) ~~pay~~ Pay or allow, or offer to pay or allow, as an inducement to
16 insurance, a rebate or premium payable on the policy;

17 (3) ~~grant~~ Grant a special favor or advantage in the dividends or other
18 benefits to accrue thereon;

19 (4) ~~provide~~ Provide any valuable consideration or inducement not
20 specified in the policy.

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

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

5 (ii) genetic information of the individual that may be associated
6 with a potential genetic condition in that individual but that has not resulted in
7 a [diagnosed condition in the individual]/[medical diagnosis in the individual’s
8 medical record]; or

9 (iii) genetic information of a member of the individual’s family
10 that may be associated with a potential genetic condition in that family
11 member but that has not resulted in a [diagnosed condition in the family
12 member]/[medical diagnosis in the family member’s medical record].

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

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 Sec. 6. 8 V.S.A. § 4724 is amended to read:

19 § 4724. UNFAIR METHODS OF COMPETITION OR UNFAIR OR

20 DECEPTIVE ACTS OR PRACTICES DEFINED

1 ~~(iii) the results of genetic testing information~~ of a member of the
2 individual's family ~~unless the results are contained in the individual's medical~~
3 ~~record~~ that may be associated with a potential genetic condition in that family
4 member but that has not resulted in a [diagnosed condition in the family
5 member]/[medical diagnosis in the family member's medical record].

6 (B) Requesting, requiring, purchasing, or using information obtained
7 from an entity providing direct-to-consumer genetic testing without the
8 informed written consent of the individual who has been tested.

9 (C) As used in this subdivision (22), “genetic testing” ~~shall be~~
10 ~~defined as the term is defined~~ and “genetic information” have the same
11 meanings as in 18 V.S.A. § ~~9331(7)~~ 9331.

12 Sec. 7. 8 V.S.A. § 5115 is amended to read:

13 § 5115. DUTY OF NONPROFIT HEALTH MAINTENANCE

14 ORGANIZATIONS

15 (a) Any nonprofit health maintenance organization subject to this chapter
16 shall offer nongroup plans to individuals in accordance with section 4080b of
17 this title without discrimination based on age, gender, industry, genetic
18 information, and medical history, except as allowed ~~by subdivisions~~
19 ~~4080a(h)(2)(B) and 4080b(h)(2)(B) of this title~~ pursuant to 33 V.S.A.
20 § 1811(f)(2)(A).

1 member but that has not resulted in a diagnosed condition in the family
2 member/[medical diagnosis in the family member's medical record].

3 (B) An insurer shall not request, require, purchase, or use information
4 obtained from an entity providing direct-to-consumer genetic testing without
5 the informed written consent of the individual who has been tested.

6 (C) As used in this subdivision (2), “genetic testing” and “genetic
7 information” have the same meanings as in 18 V.S.A. § 9331.

8 * * *

9 Sec. 9. 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 December
14 31, which shall be in such form and contain such matters as the Commissioner
15 shall prescribe. To qualify for the tax exemption set forth in section 4590 of
16 this title, the statement shall include a certification that the medical service
17 corporation operates on a nonprofit basis for the purpose of providing an
18 adequate medical service plan to individuals of the State, both groups and
19 nongroups, without discrimination based on age, gender, geographic area,
20 industry, genetic information, and medical history, except as allowed by

1 ~~subdivisions 4080a(h)(2)(B) and 4080b(h)(2)(B) of this title~~ pursuant to
2 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. 10. 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.

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***** State Assistance and Benefits *****

Sec. 11. 33 V.S.A. § 101 is amended to read:

§ 101. POLICY

It is the policy of the State of Vermont that:

(3) Assistance and benefits shall be administered promptly, with due regard for the preservation of family life, and without restriction of individual rights or discrimination on account of race, religion, political affiliation, genetic information, or place of residence within the State.

*** Effective Date ***

Sec. 12. EFFECTIVE DATE

This act shall take effect on July 1, 2022.

(Committee vote: _____)

Representative _____

FOR THE COMMITTEE