TO THE HOUSE OF REPRESENTATIVES:

The Committee on Health Care to which was referred Senate Bill No. 247 entitled “An act relating to prohibiting discrimination based on genetic information” respectfully reports that it has considered the same and recommends that the House propose to the Senate that the bill 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 a family member of the individual contained in any report, interpretation, evaluation, or other record thereof.

***

Sec. 2. 18 V.S.A. § 9332 is amended to read:

§ 9332. GENETIC TESTING; LIMITATIONS

***
(b) A person may be required to undergo genetic testing in connection with insurance subject to the limitations imposed under section 9334 of this title or if otherwise required by law for the following reasons:

* * *

(f) Except for the provisions of subsection (b) of this section, at the time of suggesting or requesting that an individual consent to genetic testing, the person making the suggestion or request shall advise the individual subject of the test that the results of the test:

(1) the results of the test may become part of the individual’s permanent medical record; and

(2) genetic information of the individual that is associated with a medical diagnosis in the individual’s medical record may be material to the ability of the individual to obtain certain insurance benefits.

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

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

* * *

(b) As used in this section, “employment” includes application for employment, provided that subject to the underwriting limitations of section 9334 of this title, this subsection shall not prohibit the use of genetic testing results or genetic information of an individual that is associated with a medical
diagnosis in the individual’s medical record in connection with life, disability
income, or long-term care insurance provided under an employee benefit plan.

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

§ 9334. GENETIC TESTING AS A CONDITION OF INSURANCE

COVERAGE

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

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

(2)(B) genetic information of the individual that may be associated with
a potential genetic condition in that individual but that has not resulted in a
medical diagnosis in the individual’s medical record; or

(C) the results of genetic testing information of a member of the
individual’s family that may be associated with a potential genetic condition in
that family member but that has not resulted in a medical diagnosis in the
family member’s medical record.

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

* * *

**Insurance**

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

§ 3702. OTHER PROHIBITED PRACTICES

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

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

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

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

(4) provide any valuable consideration or inducement not specified in the policy.

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

(i) any requirement or agreement of the individual to undergo genetic testing:
(ii) genetic information of the individual that may be associated
with a potential genetic condition in that individual but that has not resulted in
a medical diagnosis in the individual’s medical record; or

(iii) genetic information of a member of the individual’s family
that may be associated with a potential genetic condition in that family
member but that has not resulted in a medical diagnosis in the family
member’s medical record.

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

(6) Request, require, purchase, or use information obtained from an
entity providing direct-to-consumer genetic testing without the informed
written consent of the individual who has been tested.

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

§ 4724. UNFAIR METHODS OF COMPETITION OR UNFAIR OR
DECEPTIVE ACTS OR PRACTICES DEFINED
The following are hereby defined as unfair methods of competition or unfair
or deceptive acts or practices in the business of insurance:

* * *

(7) Unfair discrimination; arbitrary underwriting action.

* * *
(D) Making or permitting any unfair discrimination against any
individual by conditioning insurance rates, the provision or renewal of
insurance coverage, or other conditions of insurance based on medical
information, including the results of genetic testing, where there is not a
relationship between the medical information and the cost of the insurance risk
that the insurer would assume by insuring the proposed insured. In
demonstrating the relationship, the insurer can rely on actual or reasonably
anticipated experience. As used in this subdivision, “genetic testing” shall be
defined as the term is defined in 18 V.S.A. § 9331(7).

* * *

(F)(i) Making or permitting any unfair discrimination against any
individual by conditioning insurance rates, the provision or renewal of
insurance coverage, or other conditions of insurance on:
(I) any requirement or agreement of the individual to undergo
genetic testing;
(II) genetic information of the individual that may be
associated with a potential genetic condition in that individual but that has not
resulted in a medical diagnosis in the individual’s medical record; or
(III) genetic information of a member of the individual’s family
that may be associated with a potential genetic condition in that family
member but that has not resulted in a medical diagnosis in the family

member’s medical record.

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

* * *

(22) Genetic testing.

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

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

(ii) genetic information of the individual that may be associated with a potential genetic condition in that individual but that has not resulted in a medical diagnosis in the individual’s medical record; or

(iii) the results of genetic testing information of a member of the individual’s family unless the results are contained in the individual’s medical record that may be associated with a potential genetic condition in that family member but that has not resulted in a medical diagnosis in the family member’s medical record.
(B) Requesting, requiring, purchasing, or using information obtained from an entity providing direct-to-consumer genetic testing without the informed written consent of the individual who has been tested.

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

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

§ 5115. DUTY OF NONPROFIT HEALTH MAINTENANCE ORGANIZATIONS

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

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

Sec. 8. 8 V.S.A. § 8086 is amended to read:

§ 8086. PREEXISTING CONDITIONS; GENETIC TESTING

* * *
(b)(1) No long-term care insurance policy or certificate may exclude coverage for a loss or confinement which is the result of a preexisting condition, unless such loss or confinement begins within six months following the effective date of coverage of an insured person.

(2)(A) No long-term care insurance policy or certificate may condition insurance rates, the provision or renewal of insurance coverage or benefits, or other conditions of insurance for any individual on:

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

(ii) genetic information of the individual that may be associated with a potential genetic condition in that individual but that has not resulted in a medical diagnosis in the individual’s medical record; or

(iii) genetic information of a member of the individual’s family that may be associated with a potential genetic condition in that family member but that has not resulted in a medical diagnosis in the family member’s medical record.

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

(C) As used in this subdivision (2), “genetic testing” and “genetic information” have the same meanings as in 18 V.S.A. § 9331.
Sec. 9. 8 V.S.A. § 4588 is amended to read:

§ 4588. ANNUAL REPORT TO COMMISSIONER

(a) Annually, on or before March 1, a medical service corporation shall file with the Commissioner of Financial Regulation a statement sworn to by the president and treasurer of the corporation showing its condition on December 31, which shall be in such form and contain such matters as the Commissioner shall prescribe. To qualify for the tax exemption set forth in section 4590 of this title, the statement shall include a certification that the medical service corporation operates on a nonprofit basis for the purpose of providing an adequate medical service plan to individuals of the State, both groups and nongroups, without discrimination based on age, gender, geographic area, industry, genetic information, and medical history, except as allowed by subdivisions 4080a(h)(2)(B) and 4080b(h)(2)(B) of this title pursuant to 33 V.S.A. § 1811(f)(2)(A).

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

Sec. 10. 8 V.S.A. § 4516 is amended to read:

§ 4516. ANNUAL REPORT TO COMMISSIONER

(a) Annually, on or before March 1, a hospital service corporation shall file with the Commissioner of Financial Regulation a statement sworn to by the
president and treasurer of the corporation showing its condition on December 31. The statement shall be in such form and contain such matters as the Commissioner shall prescribe. To qualify for the tax exemption set forth in section 4518 of this title, the statement shall include a certification that the hospital service corporation operates on a nonprofit basis for the purpose of providing an adequate hospital service plan to individuals of the State, both groups and nongroups, without discrimination based on age, gender, geographic area, industry, genetic information, and medical history, except as allowed by subdivisions 4080a(h)(2)(B) and 4080b(h)(2)(B) of this title pursuant to 33 V.S.A. § 1811(f)(2)(A).

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

* * * 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.
Sec. 12. EFFECTIVE DATE

This act shall take effect on July 1, 2022.

(Committee vote: ____________)

_______________________
Representative ____________

FOR THE COMMITTEE