1	TO THE HONORABLE SENATE:	
2	The Committee on Finance 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 bill be amended by striking out all after the enacting	
6	clause and inserting in lieu thereof the following:	
7	* * * Genetic Information and Testing * * *	
8	Sec. 1. 18 V.S.A. § 9331 is amended to read:	
9	§ 9331. DEFINITIONS	
10	For purposes of As used in this chapter:	
11	* * *	
12	(6) "Genetic information" means the results of genetic testing related to	
13	an individual or a family member of the individual contained in any report,	
14	interpretation, evaluation, or other record thereof.	
15	* * *	
16	Sec. 2. 18 V.S.A. § 9334 is amended to read:	
17	§ 9334. GENETIC TESTING AS A CONDITION OF INSURANCE	
18	COVERAGE	
19	(a) No policy of insurance offered for delivery or issued in this State shall	
20	be underwritten or conditioned on the basis of:	

1	(1) any requirement or agreement of the individual to undergo genetic		
2	testing; <del>or</del>		
3	(2) genetic information of the individual that may be associated with a		
4	potential genetic condition in that individual but that has not resulted in a		
5	diagnosed condition in the individual; or		
6	(3) the <del>results of</del> genetic <del>testing</del> information of a member of the		
7	individual's family that may be associated with a potential genetic condition in		
8	that family member but that has not resulted in a diagnosed condition in the		
9	family member.		
10	* * *		
11	* * * Insurance * * *		
12	Sec. 3. 8 V.S.A. § 3702 is amended to read:		
13	§ 3702. OTHER PROHIBITED PRACTICES		
14	A life insurance company doing business in the State or an agent thereof		
15	shall not do any of the following:		
16	(1) issue Issue a policy of insurance or make an agreement other than		
17	that plainly expressed in the policy issued to the insured;		
18	(2) $pay Pay$ or allow, or offer to pay or allow, as an inducement to		
19	insurance, a rebate or premium payable on the policy;.		
20	(3) grant Grant a special favor or advantage in the dividends or other		
21	benefits to accrue thereon; or.		

1	(4) provide Provide any valuable consideration or inducement not	
2	specified in the policy.	
3	(5)(A) Condition insurance rates, the provision or renewal of insurance	
4	coverage or benefits, or other conditions of insurance for any individual on:	
5	(i) any requirement or agreement of the individual to undergo	
6	genetic testing;	
7	(ii) genetic information of the individual that may be associated	
8	with a potential genetic condition in that individual but that has not resulted in	
9	a diagnosed condition in the individual; or	
10	(iii) genetic information of a member of the individual's family	
11	that may be associated with a potential genetic condition in that family	
12	member but that has not resulted in a diagnosed condition in the family	
13	member.	
14	(B) As used in this subdivision (5), "genetic testing" and "genetic	
15	information" have the same meanings as in 18 V.S.A. § 9331.	
16	(6) Request, require, purchase, or use information obtained from an	
17	entity providing direct-to-consumer genetic testing without the informed	
18	written consent of the individual who has been tested.	
19	Sec. 4. 8 V.S.A. § 4724 is amended to read:	
20	§ 4724. UNFAIR METHODS OF COMPETITION OR UNFAIR OR	
21	DECEPTIVE ACTS OR PRACTICES DEFINED	

1	The following are hereby defined as unfair methods of competition or unfair	
2	or deceptive acts or practices in the business of insurance:	
3	* * *	
4	(7) Unfair discrimination; arbitrary underwriting action.	
5	* * *	
6	(D) Making or permitting any unfair discrimination against any	
7	individual by conditioning insurance rates, the provision or renewal of	
8	insurance coverage, or other conditions of insurance based on medical	
9	information, including the results of genetic testing, where there is not a	
10	relationship between the medical information and the cost of the insurance risk	
11	that the insurer would assume by insuring the proposed insured. In	
12	demonstrating the relationship, the insurer can rely on actual or reasonably	
13	anticipated experience. As used in this subdivision, "genetic testing" shall be	
14	defined as the term is defined in 18 V.S.A. § 9331(7).	
15	* * *	
16	(F)(i) 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 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		
2	associated with a potential genetic condition in that individual but that has not		
3	resulted in a diagnosed condition in the individual; 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 diagnosed condition in the family		
7	member.		
8	(ii) As used in this subdivision (7)(F), "genetic testing" and		
9	"genetic information" have the same meanings as in 18 V.S.A. § 9331.		
10	* * *		
11	(22) Genetic testing.		
12	(A) Conditioning insurance rates, the provision or renewal of		
13	insurance coverage or benefits, or other conditions of insurance for any		
14	individual on:		
15	(i) any requirement or agreement of the individual to undergo		
16	genetic testing; <del>or</del>		
17	(ii) genetic information of the individual that may be associated		
18	with a potential genetic condition in that individual but that has not resulted in		
19	a diagnosed condition in the individual; or		
20	(iii) the results of genetic testing information of a member of the		
21	individual's family unless the results are contained in the individual's medical		

1	record that may be associated with a potential genetic condition in that family
2	member but that has not resulted in a diagnosed condition in the family
3	member.
4	(B) 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. 5. 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. 6. 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 diagnosed condition in the individual; 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 diagnosed condition in the family		
16	member.		
17	(B) As used in this subdivision (2), "genetic testing" and "genetic		
18	information" have the same meanings as in 18 V.S.A. § 9331.		
19	* * *		

1	* * * Social and Medical Services * * *
2	Sec. 7. 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. 8. 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	Sec. 9. 33 V.S.A. § 101 is amended to read:	
14	§ 101. POLICY	
15	It is the policy of the State of Vermont that:	
16	* * *	
17	(3) Assistance and benefits shall be administered promptly, with due	
18	regard for the preservation of family life, and without restriction of individual	
19	rights or discrimination on account of race, religion, political affiliation,	
20	genetic information, or place of residence within the State.	
21	* * *	

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1	* * * Effective D	ate * * *
2	Sec. 10. EFFECTIVE DATE	
3	This act shall take effect on July 1, 2022.	
4		
5		
6		
7		
8	(Committee vote:)	
9		
10		Senator
11		FOR THE COMMITTEE