

**Section-by-Section Summary of S.247 as Introduced**

**\*\*\* Genetic Testing Law \*\*\***

**Sec. 1. Amends 18 V.S.A. § 9331. Definitions**

- Amends definition section for existing genetic testing law.
- Expands definition of genetic information to include the results of genetic testing for both an individual and their family members, as well as the manifestation of a disease/disorder in a member of the individual’s family.
  - Makes definition consistent with federal Genetic Information Nondiscrimination Act (GINA)

**Sec. 2. Amends 18 V.S.A. § 9334. Genetic Testing as a Condition of Insurance Coverage**

- Prohibits insurers from conditioning insurance coverage on genetic information that may be associated with a potential condition but has not resulted in a diagnosed condition in the individual.
- Broadens current prohibition against conditioning insurance coverage on “**the results of genetic testing** of a member of the individual’s family” to “**the genetic information** of a member of the individual’s family.”
- Applies to all forms of insurance regulated under Title 8 “including health, life, disability, and long-term care insurance policies, hospital and medical service corporation service contracts, and health maintenance organization benefit plans.”

**\*\*\* Insurance Law \*\*\***

**Sec. 3. Amends 8 V.S.A. § 3702. Other Prohibited Practices**

- Prohibits a life insurance company from conditioning rates, insurance coverage, benefits, renewal, or other conditions of insurance on:
  - Requirement for genetic testing;
  - Genetic information that may be associated with a potential condition but has not resulted in a diagnosed condition in the individual; or
  - Genetic information of a family member except as noted below.
- Makes definitions of “genetic testing” and “genetic information” consistent with genetic testing law (Sec. 1 of this bill).
- Permits a life insurance company to condition rates, provision or renewal of coverage/benefits, and other conditions of insurance on an individual’s family medical history, including the manifestation of diseases/disorders in family members, if there is a relationship between the disease/disorder and cost of the insurance risk.
- Prohibits a life insurance company from obtaining genetic information from an entity that provides direct-to-consumer genetic testing without the written consent of the individual.

**Sec. 4. Amends 8 V.S.A. § 4724. Unfair Methods of Competition or Unfair or Deceptive Acts Defined**

- Prohibits any insurance company from discriminating against an individual or conditioning rates, insurance coverage, benefits, renewal, or other conditions of insurance on:
  - Requirement for genetic testing;
  - Genetic information that may be associated with a potential condition but has not resulted in a diagnosed condition in the individual; or
  - Genetic information of a family member.
- Makes definitions of “genetic testing” and “genetic information” consistent with genetic testing law.

**Sec. 5. Amends 8 V.S.A. § 5115. Duty of Nonprofit Health Maintenance Organizations**

- Prohibits discrimination against individuals based on genetic information in nongroup HMO plans
- Makes definition of “genetic information” consistent with genetic testing law.

**Sec. 6. Amends 8 V.S.A. § 8086. Preexisting Conditions; Genetic Testing**

- Prohibits a long-term care insurance policy or certificate from conditioning rates, insurance coverage, benefits, renewal, or other conditions of insurance on:
  - Requirement for genetic testing;
  - Genetic information that may be associated with a potential condition but has not resulted in a diagnosed condition in the individual; or
  - Genetic information of a family member.
- Makes definitions of “genetic testing” and “genetic information” consistent with genetic testing law.

**Sec. 7. Amends 8 V.S.A. § 4588. Annual Report to Commissioner**

- Requires that in order to qualify for certain tax exemptions a medical service corporation must annually certify that it provides medical services without discrimination based on genetic information.
- Makes definition of “genetic information” consistent with genetic testing.

**Sec. 8. 8 V.S.A. § 4516. Annual Report to Commissioner**

- Requires that in order to qualify for certain tax exemptions a hospital service corporation must annually certify that it provides hospital services to patients without discrimination based on genetic information.
- Makes definition of “genetic information” consistent with genetic testing law.

**Sec. 9. Amends 33 V.S.A. § 101. Policy**

- Provides that it is the State’s policy that DCF shall administer assistance and benefits without discrimination based on genetic information.

**Sec. 10. Effective Date is July 1, 2022.**