Side-by-Side Comparison of S.247 (as Introduced) and Existing Law February 15, 2022

Section	V.S.A. Section	Existing Law	Language as Proposed by S.247 as Introduc
1	18 V.S.A. § 9331	§ 9331. DEFINITIONS	§ 9331. DEFINITIONS
		For purposes of this chapter:	For purposes of As used in this chapter:
		* * *	*
		(6) "Genetic information" means the results of genetic testing contained in any report,	(6) "Genetic information" means:
		interpretation, evaluation, or other record thereof.	(A) the results of genetic testing rela
		* * *	individual contained in any report, interpretati
			(B) the manifestation of a disease or
			*
2	18 V.S.A. § 9334	§ 9334. GENETIC TESTING AS A CONDITION OF INSURANCE COVERAGE	§ 9334. GENETIC TESTING AS A CONDIT
		(a) No policy of insurance offered for delivery or issued in this State shall be underwritten	(a) No policy of insurance offered for deliv
		or conditioned on the basis of:	or conditioned on the basis of:
		(1) any requirement or agreement of the individual to undergo genetic testing; or	(1) any requirement or agreement of the
		(2) the results of genetic testing of a member of the individual's family.	(2) genetic information of the individua
		* * *	condition in that individual but that has not res
			<u>or</u>
			(3) the results of genetic testing of gene
			family.
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elated to an individual or a family member of the ation, evaluation, or other record thereof<u>;</u> or or disorder in a family member of the individual. * * *

DITION OF INSURANCE COVERAGE elivery or issued in this State shall be underwritten

the individual to undergo genetic testing; or ual that may be associated with a potential genetic resulted in a diagnosed condition in the individual;

netic information of a member of the individual's

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February 15, 2022

Section	V.S.A. Section	Existing Law	Language as Proposed by S.247 as Introduce
3	8 V.S.A. § 3702	§ 3702. OTHER PROHIBITED PRACTICES	§ 3702. OTHER PROHIBITED PRACTICES
		A life insurance company doing business in the State or an agent thereof shall not:	A life insurance company doing business in t
		1) issue a policy of insurance or make an agreement other than that plainly expressed in	the following:
1		the policy issued to the insured;	(1) issue Issue a policy of insurance or m
		(2) pay or allow, or offer to pay or allow, as an inducement to insurance, a rebate or	expressed in the policy issued to the insured;.
		premium payable on the policy;	(2) pay Pay or allow, or offer to pay or al
		(3) grant a special favor or advantage in the dividends or other benefits to accrue	premium payable on the policy;.
		thereon; or	(3) grant Grant a special favor or advanta
		(4) provide any valuable consideration or inducement not specified in the policy.	thereon ; or .
			(4) provide Provide any valuable conside
			policy.
			(5)(A) Condition insurance rates, the pro
			benefits, or other conditions of insurance for an
			(i) any requirement or agreement o
			(ii) genetic information of the indiv
			genetic condition in that individual but that has
			individual; or
			(iii) genetic information of a memb
			(B) As used in this subdivision (5), "g
			the same meaning as in 18 V.S.A. § 9331.
			(C) Notwithstanding subdivisions (A)
			company or its agent may condition insurance r
			coverage or benefits, or other conditions of insu
			family medical history, including the manifesta
			family members of the individual, provided that
			individual's family medical history and the cost
			assume by insuring the individual. In demonstr
			actual or reasonably anticipated experience.
			(6) Request, require, purchase, or use info
			direct-to-consumer genetic testing without the in
			has been tested.

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in the State or an agent thereof shall not do any of

or make an agreement other than that plainly $\frac{1}{2}$.

or allow, as an inducement to insurance, a rebate or

antage in the dividends or other benefits to accrue

sideration or inducement not specified in the

provision or renewal of insurance coverage or r any individual on: nt of the individual to undergo genetic testing; ndividual that may be associated with a potential has not resulted in a diagnosed condition in the

ember of the individual's family.), "genetic testing" and "genetic information" have

(A) and (B) of this subdivision (5), a life insurance ce rates, the provision or renewal of insurance insurance for an individual on the individual's estation of a disease or disorder in one or more that there is a relationship between the cost of the insurance risk that the insurer would nstrating the relationship, the insurer can rely on

information obtained from an entity providing he informed written consent of the individual who

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Section	V.S.A. Section	Existing Law	Language as Proposed by S.247 as Introduced
4	8 V.S.A. § 4724	§ 4724. UNFAIR METHODS OF COMPETITION OR UNFAIR OR DECEPTIVE ACTS	§ 4724. UNFAIR METHODS OF COMPETITION OR UNFAIR OR
	0	OR PRACTICES DEFINED	DECEPTIVE ACTS OR PRACTICES DEFINED
		The following are hereby defined as unfair methods of competition or unfair or deceptive	The following are hereby defined as unfair methods of competition or unfair or deceptive
		acts or practices in the business of insurance:	acts or practices in the business of insurance:
		* * *	* * *
		(7) Unfair discrimination; arbitrary underwriting action.	(7) Unfair discrimination; arbitrary underwriting action.
		* * *	* * *
		(D) Making or permitting any unfair discrimination against any individual by	(D) Making or permitting any unfair discrimination against any individual by
		conditioning insurance rates, the provision or renewal of insurance coverage, or other	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,	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	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	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	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. §	this subdivision, "genetic testing" shall be defined as the term is defined in 18 V.S.A. §
		9331(7).	9331(7). ***
		(22) Genetic testing.	(F)(i) Making or permitting any unfair discrimination against any individual by
		(A) Conditioning insurance rates, the provision or renewal of insurance coverage or	conditioning insurance rates, the provision or renewal of insurance coverage, or other conditions of insurance on:
		benefits or other conditions of insurance for any individual on: (i) any requirement or agreement of the individual to undergo genetic testing; or	(I) any requirement or agreement of the individual to undergo genetic testing;
		(i) the results of genetic testing of a member of the individual's family unless the	(II) genetic information of the individual that may be associated with a
		results are contained in the individual's medical record.	potential genetic condition in that individual but that has not resulted in a diagnosed condition
		(B) As used in this subdivision, "genetic testing" shall be defined as the term is	in the individual; or
		defined in 18 V.S.A. § 9331(7).	(III) genetic information of a member of the individual's family.
			(ii) As used in this subdivision (7)(F), "genetic testing" and "genetic information"
			have the same meaning 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 diagnosed condition in the
			individual; or
			(iii) the results of genetic testing genetic information of a member of the
			individual's family unless the results are contained in the individual's medical record.

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Section	V.S.A. Section	Existing Law	Language as Proposed by S.247 as Introdu
			(B) As used in this subdivisi
			term is defined and "genetic informati
			9331(7) <u>9331</u> .
5	8 V.S.A. § 5115	§ 5115. DUTY OF NONPROFIT HEALTH MAINTENANCE ORGANIZATIONS	§ 5115. DUTY OF NONPROFIT HEALTH
		Any nonprofit health maintenance organization subject to this chapter shall offer nongroup	ORGANIZATIONS
		plans to individuals in accordance with section 4080b of this title without discrimination based	(a) Any nonprofit health maintenance orga
		on age, gender, industry, and medical history, except as allowed by subdivisions	nongroup plans to individuals in accordance v
		4080a(h)(2)(B) and 4080b(h)(2)(B) of this title.	discrimination based on age, gender, industry
			except as allowed by subdivisions 4080a(h)(2
			<u>33 V.S.A. § 1811(f)(2)(A)</u> .
			(b) As used in this section, "geneti
			<mark>V.S.A. § 9331.</mark>
6	8 V.S.A. § 8086	§ 8086. PREEXISTING CONDITIONS	§ 8086. PREEXISTING CONDITIONS <mark>; GE</mark>
		* * *	
		(b) No long-term care insurance policy or certificate may exclude coverage for a loss or	(b)(1) No long-term care insurance policy
		confinement which is the result of a preexisting condition, unless such loss or confinement	confinement which that is the result of a preex
		begins within six months following the effective date of coverage of an insured person.	confinement begins within six months follow
		* * *	person.
			(2)(A) No long-term care insurance po
			the provision or renewal of insurance coverag
			any individual on:
			(i) any requirement or agreement
			(ii) genetic information of the ind
			genetic condition in that individual but that ha
			individual; or
			(iii) genetic information of a mer
			(B) As used in this subdivision (2),
			the same meaning as in 18 V.S.A. § 9331.
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ision (22), "genetic testing" shall be defined as the ation" have the same meaning as in 18 V.S.A. §

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rganization subject to this chapter shall offer e with section 4080b of this title without ry, genetic information, and medical history, (2)(B) and 4080b(h)(2)(B) of this title pursuant to

etic information" has the same meaning as in 18

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cy or certificate may exclude coverage for a loss or eexisting condition, unless such the loss or owing the effective date of coverage of an insured

bolicy or certificate may condition insurance rates, age or benefits, or other conditions of insurance for

nt of the individual to undergo genetic testing; ndividual that may be associated with a potential has not resulted in a diagnosed condition in the

ember of the individual's family.), "genetic testing" and "genetic information" have

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February 15, 2022

Section	V.S.A. Section	Existing Law	Language as Proposed by S.247 as Introdu
7	8 V.S.A. § 4588	§ 4588. ANNUAL REPORT TO COMMISSIONER 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, and medical history, except as allowed by subdivisions 4080a(h)(2)(B) and 4080b(h)(2)(B) of this title.	§ 4588. ANNUAL REPORT TO COMMISS (a) Annually, on or before March 1, a med Commissioner of Financial Regulation a state the corporation showing its condition on Dec contain such matters as the Commissioner sha set forth in section 4590 of this title, the state service corporation operates on a nonprofit ba medical service plan to individuals of the State discrimination based on age, gender, geograp medical history, except as allowed by subdivi- title pursuant to 33 V.S.A. § 1811(f)(2)(A). (b) As used in this section, "genetic inform § 9331.
8	8 V.S.A. § 4516	§ 4516. ANNUAL REPORT TO COMMISSIONER 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, and medical history, except as allowed by subdivisions 4080a(h)(2)(B) and 4080b(h)(2)(B) of this title.	§ 4516. ANNUAL REPORT TO COMMISS (a) Annually, on or before March 1, a hos Commissioner of Financial Regulation a state the corporation showing its condition on Dec and contain such matters as the Commissione exemption set forth in section 4518 of this tit the hospital service corporation operates on a adequate hospital service plan to individuals discrimination based on age, gender, geograp medical history, except as allowed by subdivi- title pursuant to 33 V.S.A. § 1811(f)(2)(A). (b) As used in this section, "genetic inform § 9331.
9	33 V.S.A. § 101	 § 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, or place of residence within the State. 	 § 101. POLICY It is the policy of the State of Vermont tha (3) Assistance and benefits shall be address preservation of family life, and without restrict account of race, religion, political affiliation, the State.
10	Effective Date	N/A	N/A

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dministered promptly, with due regard for the riction of individual rights or discrimination on h, genetic information, or place of residence within

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