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Legislative Document

No. 1314

H.P. 949

House of Representatives, March 19, 2019

An Act To Extend Protections for Genetic Information

Reference to the Committee on Health Coverage, Insurance and Financial Services suggested and ordered printed.

A handwritten signature in cursive script that reads "R B. Hunt".

ROBERT B. HUNT
Clerk

Presented by Representative WHITE of Waterville.

Cosponsored by Representatives: BROOKS of Lewiston, BRYANT of Windham, MARTIN of Greene, STANLEY of Medway, THERIAULT of China, VEROW of Brewer, Senators: DIAMOND of Cumberland, FARRIN of Somerset.

1 **Be it enacted by the People of the State of Maine as follows:**

2 **Sec. 1. 24-A MRSA §2159-C, sub-§3**, as enacted by PL 1997, c. 677, §2, is
3 amended to read:

4 **3. Discrimination in life, disability and long-term care insurance.** An insurer
5 may not ~~make or permit any unfair discrimination~~ discriminate against an individual ~~in~~
6 ~~the application of~~ on the basis of genetic information or the results of a genetic test in the
7 issuance, withholding, extension or renewal of an insurance policy for life, credit life,
8 disability, long-term care, accidental injury, specified disease, hospital indemnity or
9 credit accident insurance or an annuity. ~~For the purposes of this subsection, "unfair~~
10 ~~discrimination" includes, but is not limited to, the application of the results of a genetic~~
11 ~~test in a manner that is not reasonably related to anticipated claims experience.~~

12 ~~A. If the superintendent has reason to believe that unfair discrimination has occurred~~
13 ~~and that a proceeding by the superintendent is in the interest of the public, the~~
14 ~~superintendent, in accordance with chapter 3, shall serve upon the insurer a statement~~
15 ~~of the charges. Upon a determination that the practice or act of the insurer is in~~
16 ~~conflict with this subsection, the superintendent shall issue an order requiring the~~
17 ~~insurer to cease and desist from engaging in the practice or act and may order~~
18 ~~payment of a penalty consistent with the provisions of section 12-A.~~

19 ~~B. If, in the issuance, withholding, extension or renewal of an insurance policy~~
20 ~~covered by this subsection, an insurer uses the results of a genetic test in compliance~~
21 ~~with this subsection, the insurer shall notify the individual who is the subject of the~~
22 ~~genetic test that such a test is required and shall obtain the individual's authorization~~
23 ~~in accordance with the requirements of chapter 24. If a genetic test is required, the~~
24 ~~insurer shall ensure that the individual states in writing whether the individual wishes~~
25 ~~to be informed of the test results and, if authorized by the individual, shall provide a~~
26 ~~copy of the test results, along with a written interpretation of the results by a qualified~~
27 ~~professional, to the individual or to a physician or other health care practitioner~~
28 ~~designated by the individual.~~

29 **SUMMARY**

30 Under current law, when considering the issuance, withholding, extension or renewal
31 of an insurance policy for life, credit life, disability, long-term care, accidental injury,
32 specified disease, hospital indemnity or credit accident insurance or an annuity, an insurer
33 may consider an applicant's genetic information or the results of an applicant's genetic
34 test as long as the consideration of genetic information or test results does not constitute
35 "unfair discrimination." This bill strikes language that authorizes the consideration of
36 genetic information or test results and instead prohibits an insurer from discriminating
37 against an individual on the basis of genetic information or the results of a genetic test in
38 the issuance, withholding, extension or renewal of an insurance policy for life, credit life,
39 disability, long-term care, accidental injury, specified disease, hospital indemnity or
40 credit accident insurance or an annuity.