

# APPENDIX D

## *CHARGE 2*

**States' Genetic Testing Legislation, 2000**

## 2000 GENETIC TESTING LEGISLATION

	State Has Introduced Bill in 2000?	Status	Description of Legislation
ALABAMA	--	--	--
ALASKA	--	--	--
ARIZONA	HB 2041	Enacted	Limits to whom genetic information may be released; genetic testing and information derived from genetic testing are confidential and considered privileged to the person tested.
	SB 1061	Dead	Provides that an insurer not be allowed to make any discrimination between individuals in the rates charged for any contract of life insurance or benefits payable, among other provisions.
	SB 1173	Enacted	Language included in the bill requires that an insurer not refuse to consider an application for life or disability insurance on the basis of a genetic condition, nor may insurers reject the application because of a genetic condition.
ARKANSAS	--	--	No Regular 2000 Session
CALIFORNIA	SB 1364	Passed Senate	This bill specifies for prohibitions from existing law, a definition for the term " <b>genetic characteristic</b> ," that is the same as the definition contained in existing provisions regarding health care service plans.
COLORADO	--	--	--
CONNECTICUT	--	--	--
DELAWARE	--	--	--
FLORIDA	--	--	--
GEORGIA	--	--	--
HAWAII	--	--	--
IDAHO	--	--	--

ILLINOIS	HB 2774	Passed House	Prohibits genetic information from being treated as a pre-existing condition in the absence of a diagnosis of the condition related to that genetic information.
	SR 292	Adopted	This law requires that the University of Illinois issue a report on human cloning containing aspects from the fields of medicine, religion, biotechnology, genetics, law, and bioethics; opinions of the general public; and a review and evaluation of current and past public policy and research related to human genetics.
INDIANA	--	--	--
IOWA	--	--	--
KANSAS	--	--	--
KENTUCKY	--	--	--
LOUISIANA	HCR 92	Introduced	Urges Louisiana congressional delegation to support pending federal legislation which prohibits health insurers and self-insured health plans from discriminating against individuals and their family members on the basis of predictive genetic information or genetic services.
MAINE	--	--	--
MARYLAND	HB 793	Dead	Makes it illegal for an employer to discriminate, refuse to hire or to fire an employee because of the individual's genetic information, the individual's refusal to submit to a genetic test or make available the results of a genetic test.
MASSACHUSETTS	SB 1948	Passed Senate	Provides that no organization may cancel, refuse to issue or renew, or in any way discriminate in the amount of payment of premiums or rates charged for a health benefit plan based on genetic information, among other provisions.
MICHIGAN	SB 589	Enacted	Makes it illegal for state established health care providers to require members or applicants for coverage to take a genetic test before renewing, issuing or continuing a policy.

	SB 591	Enacted	Prohibits an HMO from requiring an enrollee or his or her dependent or an asymptomatic applicant for coverage of his or her asymptomatic dependent to take a genetic test or disclosing the results of the test.
	SB 593	Enacted	This version includes wording on genetic testing consent. The bill would provide for informing test subject of test results, risks, benefits and those with access to test results, among other things.
	SB 815	Enacted	Includes genetic information in the definition of discrimination in the hiring process, in segregation of the work place, or the termination of an employee due to genetic information. Prohibits an employer from requiring genetic testing or the submission of genetic information, but allows an employee to voluntarily submit genetic information to an employer.
MINNESOTA	SB 3138	Enacted	Creates the Agent Orange Information and Assistance Program. Requires the Commissioner of Health to provide genetic information and counseling to veterans who have concerns regarding the possible genetic effects which may be associated with exposure to chemical agents.
MISSISSIPPI	--	--	--
MISSOURI	X	--	--
MONTANA	--	--	No Regular 2000 Session
NEBRASKA	--	--	--
NEVADA	--	--	No Regular 2000 Session
NEW HAMPSHIRE	HB 1589	Enacted	Provides that life insurers who obtain the genetic testing information of an individual is prohibited from using that information in coverage except for life, disability and income insurance under certain circumstances.
NEW JERSEY	X	--	--
NEW MEXICO	--	--	--

NEW YORK	AB 2245	Passed Assembly	The bill is amended to make it illegal for certain organizations and agencies to require or administer genetic testing a requirement for employment or other activities. Further, it makes it unlawful to buy or acquire genetic information that identifies a genetic predisposition in an individual.
	AB 3435	Passed Assembly	Prohibits insurers from denying or canceling life and disability coverage based upon genetic information about an insured or a family member of the insured. The bill also prohibits the company from requesting genetic information about an insured or family member of an insured.
	SB 968	Passed Senate	Prohibits insurers from refusing to issue or renew life or non-cancellable disability insurance policies to persons with a genetic predisposition or history of any type of cancer.
NORTH CAROLINA	--	--	--
NORTH DAKOTA	--	--	No Regular 2000 Session
OHIO	--	--	--
OKLAHOMA	--	--	--
OREGON	--	--	No Regular 2000 Session
PENNSYLVANIA	X	--	--
RHODE ISLAND	SR 2535	Adopted	This resolution creates an eleven (11) member special senate commission to study confidentiality and proprietary rights regarding genetic testing.
	HR 7905	Adopted	This resolution creates an eleven (11) member special house commission to study confidentiality and proprietary rights regarding genetic testing.
SOUTH CAROLINA	--	--	--
SOUTH DAKOTA	--	--	--
TENNESSEE	--	--	--
TEXAS	--	--	No Regular 2000 Session

UTAH	--	--	--
VERMONT	--	--	--
VIRGINIA	--	--	--
WASHINGTON	HB 2861	In the House for Special Session	"Health care information" is amended to include any information that identifies or can readily be associated with the identity of a patient including a patient's deoxyribonucleic acid (DNA). The term includes any record of disclosures of health care information.
	SB 6284	In the Senate for Special Session	This legislation would create a 24-member DNA commission for the state of Washington. (similar to SB 6395)
	SB 6395	In the Senate for Special Session	This legislation would create a 24-member DNA commission for the state of Washington. (similar to SB 6284)
	SB 5111	Dead	Provides that a health carrier not deny or cancel health plan coverage on the basis of genetic information or because the individual or family member of an individual has requested or received genetic services, among other provisions.
WEST VIRGINIA	--	--	--
WISCONSIN	--	--	--
WYOMING	--	--	--
<b>Total States</b>	<b>15</b>	--	--

**Source:** Health Policy Tracking Service, National Conference of State Legislatures, July 2000.