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**HEALTH COVERAGE, INSURANCE AND FINANCIAL SERVICES**

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**STATE OF MAINE  
HOUSE OF REPRESENTATIVES  
130TH LEGISLATURE  
FIRST SPECIAL SESSION**

COMMITTEE AMENDMENT “ ” to H.P. 800, L.D. 1085, “An Act Relating to the Use of Genetic Information for Insurance Purposes”

Amend the bill by striking out everything after the enacting clause and inserting the following:

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

B. "Genetic information" means the information concerning genes, gene products or inherited characteristics that may be obtained from an individual or family member derived from genetic testing of an individual's genetic material or genes to determine the presence or absence of variations or mutations, including carrier status, that are scientifically or medically determined to cause a disease, disorder or syndrome, or that are associated with a statistically increased risk of developing a disease, disorder or syndrome, that is asymptomatic at the time of testing. Such genetic testing does not include routine physical examinations or chemical, blood or urine analysis, unless conducted purposefully to obtain genetic information or answer questions regarding family history.

**Sec. 2. 24-A MRSA §2159-C, sub-§3**, as enacted by PL 1997, c. 677, §2, is repealed.

**Sec. 3. 24-A MRSA §2159-C, sub-§3-A** is enacted to read:

**3-A. Use of genetic information in life, disability and long-term care insurance.**  
This subsection governs the use of genetic information by an insurer in the issuance, withholding, extension or renewal of an insurance policy for life, credit life, disability, long-term care, accidental injury, specified disease, hospital indemnity or credit accident insurance or an annuity.

A. In the absence of a medical diagnosis of a disease, disorder or syndrome related to genetic information, an insurer may not cancel, limit or deny coverage or establish differentials in premium rates based on such genetic information.

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1 B. An insurer may not request, require, purchase or otherwise solicit genetic  
2 information, use genetic test results or consider an individual's decisions or actions  
3 relating to genetic testing in any manner for any insurance purpose.

4 This subsection may not be construed as preventing an insurer from accessing an  
5 individual's medical record as part of an application examination. This subsection does not  
6 prohibit an insurer from considering a medical diagnosis included in an individual's  
7 medical record, even if a diagnosis was made based on the results of a genetic test.

8 **Sec. 4. Application.** This Act applies to all policies, contracts and certificates  
9 executed, delivered, issued for delivery, continued or renewed in this State on or after  
10 January 1, 2022. For purposes of this Act, all contracts are deemed to be renewed no later  
11 than the next yearly anniversary of the contract date.'

12 Amend the bill by relettering or renumbering any nonconsecutive Part letter or section  
13 number to read consecutively.

#### 14 SUMMARY

15 This amendment, which is the minority report of the committee, replaces the bill. The  
16 amendment removes the provisions of the bill that applied to health insurance. The  
17 amendment retains the requirement in the bill prohibiting, after January 1, 2022, insurers  
18 that issue life, credit life, disability, long-term care, accidental injury, specified disease,  
19 hospital indemnity or credit accident insurance or annuities from canceling, limiting or  
20 denying coverage or establishing differentials in premium rates based on genetic  
21 information under certain circumstances and prohibiting such insurers from requesting,  
22 requiring, purchasing or otherwise soliciting genetic information, using genetic test results  
23 or considering a person's decisions or actions relating to genetic testing in any manner for  
24 any insurance purpose.