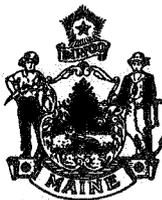


# MAINE STATE LEGISLATURE

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# 118th MAINE LEGISLATURE

## FIRST REGULAR SESSION-1997

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Legislative Document

No. 1150

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H.P. 845

House of Representatives, February 20, 1997

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### **An Act to Prohibit Discrimination Based on Genetic Testing Information.**

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Reference to the Committee on Banking and Insurance suggested and ordered printed.

A handwritten signature in black ink that reads "Joseph W. Mayo".

JOSEPH W. MAYO, Clerk

Presented by Representative CHARTRAND of Rockland.  
Cosponsored by Senator RAND of Cumberland and  
Representatives: BRENNAN of Portland, JONES of Bar Harbor, SAXL of Bangor,  
THOMPSON of Naples, TOWNSEND of Portland, VOLENIK of Brooklin, Senators:  
LaFOUNTAIN of York, MILLS of Somerset.

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

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Sec. 1. 24-A MRSA §2159-C is enacted to read:

§2159-C. Discrimination on the basis of genetic information or testing

1. Definitions. As used in this section, unless the context otherwise indicates, the following terms have the following meanings.

A. "Genetic information" means the information about genes, gene products or inherited characteristics that may derive from an individual or family member.

B. "Genetic test" means a test for determining the presence or absence of an inherited genetic characteristic in an individual, including tests of nucleic acids such as DNA, RNA and mitochondrial DNA, chromosomes or proteins in order to identify a predisposing genetic characteristic.

2. Discrimination in health and hospital insurance. An insurer, nonprofit hospital or medical service organization or health maintenance organization that issues group or individual hospital, health or group disability insurance may not discriminate against an individual or eligible dependent on the basis of genetic characteristics, genetic information or the refusal to submit to a genetic test or make available the results of a genetic test in the issuance, withholding, extension or renewal of any hospital confinement, other health insurance or group disability insurance or in the fixing of the rates, terms or conditions for that insurance or in the issuance or acceptance of any application for that insurance.

3. Civil action. An aggrieved individual may bring a civil action under this section and, if successful, must be awarded special or general damages of not less than \$1,000 for each violation and costs and reasonable legal fees.

**SUMMARY**

This bill defines the terms genetic information and genetic test and prohibits health insurance companies from denying coverage or increasing premiums based on genetic testing information. The bill also allows a person to bring a civil action if the person is denied coverage or if premiums are increased based on genetic testing information.