

MAINE STATE LEGISLATURE

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130th MAINE LEGISLATURE

FIRST REGULAR SESSION-2021

Legislative Document

No. 1085

H.P. 800

House of Representatives, March 11, 2021

**An Act Relating to the Use of Genetic Information for Insurance
Purposes**

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

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

ROBERT B. HUNT
Clerk

Presented by Representative HYMANSON of York.
Cosponsored by Representatives: BROOKS of Lewiston, EVANS of Dover-Foxcroft, WHITE
of Waterville, Senator: CLAXTON of Androscoggin.

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

2 **Sec. 1. 24-A MRSA §2159-C**, as amended by PL 2019, c. 208, §1, is repealed.

3 **Sec. 2. 24-A MRSA §2159-F** is enacted to read:

4 **§2159-F. Genetic information for insurance purposes**

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

7 A. "Genetic information" means information derived from genetic testing of an
8 individual's genetic material or genes to determine the presence or absence of variations
9 or mutations, including carrier status, that are scientifically or medically determined to
10 cause a disease, disorder or syndrome, or that are associated with a statistically
11 increased risk of developing a disease, disorder or syndrome, that is asymptomatic at
12 the time of testing. Such genetic testing does not include routine physical examinations
13 or chemical, blood or urine analysis, unless conducted purposefully to obtain genetic
14 information or answer questions regarding family history.

15 B. "Health insurer" means an insurer, nonprofit hospital or medical service
16 organization or health maintenance organization that issues individual or group
17 hospital, health or dental insurance.

18 C. "Life insurer" means an insurer that issues life, credit life, disability, accidental
19 injury, specified disease, hospital indemnity or credit accident insurance or annuities.

20 D. "Long-term care insurer" means an insurer that issues long-term care insurance.

21 **2. Use of genetic information.** This subsection governs the use of genetic
22 information.

23 A. In the absence of a medical diagnosis of a disease, disorder or syndrome related to
24 genetic information, a health insurer, life insurer or long-term care insurer may not
25 cancel, limit or deny coverage or establish differentials in premium rates based on such
26 genetic information.

27 B. A health insurer, life insurer or long-term care insurer may not request, require,
28 purchase or otherwise solicit genetic information, use genetic test results or consider
29 an individual's decisions or actions relating to genetic testing in any manner for any
30 insurance purpose.

31 **3. Application; construction.** This section applies to policies executed, delivered,
32 issued for delivery, continued or renewed on or after January 1, 2022. This section may
33 not be construed as preventing a life insurer or long-term care insurer from accessing an
34 individual's medical record as part of an application examination. This section does not
35 prohibit a life insurer or long-term care insurer from considering a medical diagnosis
36 included in an individual's medical record, even if a diagnosis was made based on the
37 results of a genetic test.

38 **Sec. 3. 24-A MRSA §6981, sub-§9, ¶H**, as enacted by PL 2007, c. 447, §11, is
39 amended to read:

1 H. The provisions of ~~sections~~ section 2159-B and 2159-C relating to discrimination
2 against victims of domestic abuse ~~and discrimination on the basis of genetic~~
3 ~~information or testing~~ and section 2159-F relating to the use of genetic information.

4 **Sec. 4. Effective date.** This Act takes effect January 1, 2022.

5 **SUMMARY**

6 This bill repeals current law prohibiting discrimination by insurers on the basis of
7 genetic information or testing and enacts a provision prohibiting, after January 1, 2022,
8 insurers that issue individual or group hospital, health or dental insurance or life, credit life,
9 disability, long-term care, accidental injury, specified disease, hospital indemnity or credit
10 accident insurance or annuities from canceling, limiting or denying coverage or
11 establishing differentials in premium rates based on genetic information under certain
12 circumstances and prohibiting such insurers from requesting, requiring, purchasing or
13 otherwise soliciting genetic information, using genetic test results or considering a person's
14 decisions or actions relating to genetic testing in any manner for any insurance purpose.