

1 TO THE HONORABLE SENATE:

2 The Committee on Health and Welfare to which was referred Senate Bill  
3 No. 197 entitled “An act relating to prohibiting discrimination based on genetic  
4 information” respectfully reports that it has considered the same and  
5 recommends that the bill be amended as follows:

6 First: By striking out Sec. 3, 18 V.S.A. § 9334, in its entirety and inserting  
7 in lieu thereof a new Sec. 3 to read:

8 Sec. 3. 18 V.S.A. § 9334 is amended to read:

9 § 9334. GENETIC TESTING AS A CONDITION OF INSURANCE  
10 COVERAGE

11 (a) No policy of insurance offered for delivery or issued in this State shall  
12 be underwritten or conditioned on the basis of:

13 (1) any requirement or agreement of the individual to undergo genetic  
14 testing; ~~or~~

15 (2) genetic information of the individual that may be associated with a  
16 potential genetic condition in that individual but that has not **resulted in** a  
17 diagnosed condition in the individual; or

18 (3) ~~the results of genetic testing of~~ genetic information of a member of  
19 the individual’s family.

20 \* \* \*

1        Second: By striking out Sec. 4, 8 V.S.A. § 3702, in its entirety and  
2 inserting in lieu thereof a new Sec. 4 to read:

3        Sec. 4. 8 V.S.A. § 3702 is amended to read:

4        § 3702. OTHER PROHIBITED PRACTICES

5        A life insurance company doing business in the State or an agent thereof  
6 shall not do any of the following:

7            (1) issue Issue a policy of insurance or make an agreement other than  
8 that plainly expressed in the policy issued to the insured;

9            (2) pay Pay or allow, or offer to pay or allow, as an inducement to  
10 insurance, a rebate or premium payable on the policy;

11           (3) grant Grant a special favor or advantage in the dividends or other  
12 benefits to accrue thereon; or

13           (4) provide Provide any valuable consideration or inducement not  
14 specified in the policy.

15           (5)(A) Condition insurance rates, the provision or renewal of insurance  
16 coverage or benefits, or other conditions of insurance for any individual on:

17                (i) any requirement or agreement of the individual to undergo  
18 genetic testing;

19                (ii) genetic information of the individual that may be associated  
20 with a potential genetic condition in that individual but that has not resulted in  
21 a diagnosed condition in the individual; or

1                    (iii) the genetic information of a member of the individual’s  
2 family.

3                    (B) As used in this subdivision (5), “genetic testing” and “genetic  
4 information” have the same meaning as in 18 V.S.A. § 9331.

5                    (C) Notwithstanding subdivisions (A) and (B) of this subdivision (5),  
6 a life insurance company or its agent may condition insurance rates, the  
7 provision or renewal of insurance coverage or benefits, or other conditions of  
8 insurance for an individual on the individual’s family medical history,  
9 including the manifestation of a disease or disorder in one or more family  
10 members of the individual, provided that there is a relationship between the  
11 individual’s family medical history and the cost of the insurance risk that the  
12 insurer would assume by insuring the individual. In demonstrating the  
13 relationship, the insurer can rely on actual or reasonably anticipated  
14 experience.

15                    (6) Request, require, purchase, or use information obtained from an  
16 entity providing direct-to-consumer genetic testing without the informed  
17 written consent of the individual who has been tested.

18                    Third: By striking out Sec. 5, 8 V.S.A. § 4724, in its entirety and inserting  
19 in lieu thereof a new Sec. 5 to read:

20                    Sec. 5. 8 V.S.A. § 4724 is amended to read:

21                    § 4724. UNFAIR METHODS OF COMPETITION OR UNFAIR OR







