

S 358

Genetic Information Nondiscrimination Act of 2007

Congress: 110 (2007–2009, Ended)

Chamber: Senate

Policy Area: Civil Rights and Liberties, Minority Issues

Introduced: Jan 22, 2007

Current Status: By Senator Kennedy from Committee on Health, Education, Labor, and Pensions filed written report. Re

Latest Action: By Senator Kennedy from Committee on Health, Education, Labor, and Pensions filed written report.

Report No. 110-48. (Apr 10, 2007)

Official Text: <https://www.congress.gov/bill/110th-congress/senate-bill/358>

Sponsor

Name: Sen. Snowe, Olympia J. [R-ME]

Party: Republican • **State:** ME • **Chamber:** Senate

Cosponsors (45 total)

| Cosponsor | Party / State | Role | Date Joined |
|-------------------------------------|---------------|------|--------------|
| Sen. Allard, Wayne [R-CO] | R · CO | | Jan 22, 2007 |
| Sen. Biden, Joseph R., Jr. [D-DE] | D · DE | | Jan 22, 2007 |
| Sen. Bingaman, Jeff [D-NM] | D · NM | | Jan 22, 2007 |
| Sen. Brown, Sherrod [D-OH] | D · OH | | Jan 22, 2007 |
| Sen. Cardin, Benjamin L. [D-MD] | D · MD | | Jan 22, 2007 |
| Sen. Clinton, Hillary Rodham [D-NY] | D · NY | | Jan 22, 2007 |
| Sen. Collins, Susan M. [R-ME] | R · ME | | Jan 22, 2007 |
| Sen. Dodd, Christopher J. [D-CT] | D · CT | | Jan 22, 2007 |
| Sen. Enzi, Michael B. [R-WY] | R · WY | | Jan 22, 2007 |
| Sen. Gregg, Judd [R-NH] | R · NH | | Jan 22, 2007 |
| Sen. Harkin, Tom [D-IA] | D · IA | | Jan 22, 2007 |
| Sen. Hatch, Orrin G. [R-UT] | R · UT | | Jan 22, 2007 |
| Sen. Kennedy, Edward M. [D-MA] | D · MA | | Jan 22, 2007 |
| Sen. Lautenberg, Frank R. [D-NJ] | D · NJ | | Jan 22, 2007 |
| Sen. Mikulski, Barbara A. [D-MD] | D · MD | | Jan 22, 2007 |
| Sen. Murkowski, Lisa [R-AK] | R · AK | | Jan 22, 2007 |
| Sen. Murray, Patty [D-WA] | D · WA | | Jan 22, 2007 |
| Sen. Nelson, Bill [D-FL] | D · FL | | Jan 22, 2007 |
| Sen. Obama, Barack [D-IL] | D · IL | | Jan 22, 2007 |
| Sen. Reed, Jack [D-RI] | D · RI | | Jan 22, 2007 |
| Sen. Salazar, Ken [D-CO] | D · CO | | Jan 22, 2007 |
| Sen. Sanders, Bernard [I-VT] | I · VT | | Jan 22, 2007 |
| Sen. Leahy, Patrick J. [D-VT] | D · VT | | Jan 24, 2007 |
| Sen. Cantwell, Maria [D-WA] | D · WA | | Jan 25, 2007 |
| Sen. Warner, John [R-VA] | R · VA | | Jan 29, 2007 |
| Sen. Hagel, Chuck [R-NE] | R · NE | | Mar 8, 2007 |
| Sen. Menendez, Robert [D-NJ] | D · NJ | | Mar 20, 2007 |
| Sen. Specter, Arlen [R-PA] | R · PA | | Mar 20, 2007 |
| Sen. Pryor, Mark L. [D-AR] | D · AR | | Apr 11, 2007 |
| Sen. Inouye, Daniel K. [D-HI] | D · HI | | Apr 25, 2007 |
| Sen. Lieberman, Joseph I. [ID-CT] | ID · CT | | Apr 25, 2007 |
| Sen. Stabenow, Debbie [D-MI] | D · MI | | Apr 25, 2007 |
| Sen. Durbin, Richard J. [D-IL] | D · IL | | Jun 20, 2007 |
| Sen. Johnson, Tim [D-SD] | D · SD | | Jul 30, 2007 |
| Sen. Casey, Robert P., Jr. [D-PA] | D · PA | | Sep 28, 2007 |
| Sen. Levin, Carl [D-MI] | D · MI | | Oct 19, 2007 |
| Sen. Bennett, Robert F. [R-UT] | R · UT | | Jan 30, 2008 |
| Sen. Tester, Jon [D-MT] | D · MT | | Mar 11, 2008 |
| Sen. Schumer, Charles E. [D-NY] | D · NY | | Apr 15, 2008 |
| Sen. Whitehouse, Sheldon [D-RI] | D · RI | | Apr 15, 2008 |
| Sen. Bayh, Evan [D-IN] | D · IN | | Apr 16, 2008 |

| Cosponsor | Party / State | Role | Date Joined |
|-------------------------------|---------------|------|--------------|
| Sen. Dorgan, Byron L. [D-ND] | D · ND | | Apr 16, 2008 |
| Sen. Kerry, John F. [D-MA] | D · MA | | Apr 16, 2008 |
| Sen. Boxer, Barbara [D-CA] | D · CA | | Apr 21, 2008 |
| Sen. Feinstein, Dianne [D-CA] | D · CA | | Apr 22, 2008 |

Committee Activity

| Committee | Chamber | Activity | Date |
|--|---------|-------------|--------------|
| Health, Education, Labor, and Pensions Committee | Senate | Reported By | Mar 29, 2007 |

Subjects & Policy Tags

Policy Area:

Civil Rights and Liberties, Minority Issues

Related Bills

| Bill | Relationship | Last Action |
|-------------|----------------|---|
| 110 HR 1424 | Related bill | Oct 3, 2008: Became Public Law No: 110-343. |
| 110 HR 493 | Identical bill | May 21, 2008: Became Public Law No: 110-233. |

Genetic Information Nondiscrimination Act of 2007 - **Title I: Genetic Nondiscrimination in Health Insurance** - (Sec. 101) Amends the Employee Retirement Income Security Act of 1974 (ERISA) and the Public Health Service Act (PHSA) to specify that genetic information that an issuer of group health insurance may not establish as an enrollment eligibility factor includes information about a request for or receipt of genetic services by an individual or family member. Prohibits a group health plan or a health insurance issuer from: (1) adjusting premiums on the basis of genetic information; or (2) requesting or requiring an individual or a family member of such individual to undergo a genetic test.

Applies such provisions to small group health plans.

Allows a participant or beneficiary to bring a civil action for violations of such prohibitions prior to the exhaustion of administrative remedies if it is demonstrated to the court that exhaustion of remedies would cause irreparable harm to the health of the participant or beneficiary. Allows a court to award equitable relief in such an action by retroactively reinstating coverage or assessing an administrative penalty.

Authorizes the appropriate secretary to impose a penalty for any failure of a group health plan to meet the requirements of this Act. Limits such penalties if they are the result of reasonable cause and not willful neglect.

(Sec. 102) Amends PHSA to prohibit discrimination on the basis of genetic information for health insurance offered in the individual market in the same manner as such discrimination is prohibited for group coverage.

Applies such requirements to non-federal governmental plans.

(Sec. 103) Amends title XVIII (Medicare) of the Social Security Act to prohibit an issuer of a Medicare supplemental policy, on the basis of genetic information, from: (1) denying or conditioning the issuance or effectiveness of a policy for an eligible individual; or (2) discriminating in the pricing of the policy, including the adjustment rates, for an eligible individual.

Prohibits an issuer of a Medicare supplemental policy from requesting or requiring an individual or a family member to undergo a genetic test.

(Sec. 104) Applies health information privacy regulations to the use and disclosure of genetic information.

Prohibits a group health plan, a health insurance issuer, or issuer of a Medicare supplemental policy from: (1) using or disclosing genetic information for purposes of underwriting, determining enrollment eligibility, rating premiums, or creating, renewing, or replacing a plan, contract, or coverage for health insurance or health benefits; (2) requesting, requiring, or purchasing genetic information for such purposes; or (3) requesting, requiring, or purchasing genetic information concerning a participant, beneficiary, or enrollee prior to the enrollment of such individual under the plan, coverage, or policy.

Applies privacy standards only to genetic information that is individually-identifiable health information.

Sets forth penalties for violations.

(Sec. 105) Requires the Secretary of the Treasury, the Secretary of Health and Human Services, and the Secretary of Labor to ensure that such regulations are administered so as to have the same effect and to coordinate an enforcement strategy.

Title II: Prohibiting Employment Discrimination on the Basis of Genetic Information - (Sec. 202) Prohibits, as an unlawful employment practice, an employer, employment agency, labor organization, or joint labor-management committee from discriminating against an employee, individual, or member on the basis of genetic information, including: (1) for an employer, by failing to hire or discharging an employee or otherwise discriminating against an employee with respect to the compensation, terms, conditions, or privileges of employment; (2) for an employment agency, by failing or refusing to refer an individual for employment; (3) for a labor organization, by excluding or expelling a member from the organization; (4) for an employment agency, labor organization, or joint labor-management committee, by causing or attempting to cause an employer to discriminate against a member in violation of this Act; or (5) for an employer, labor organization, or joint labor-management committee, by discriminating against an individual in admission to, or employment in, any program established to provide apprenticeships or other training or retraining.

Prohibits, as an unlawful employment practice, an employer, employment agency, labor organization, or joint labor-management committee from limiting, segregating, or classifying employees, individuals, or members on the basis of genetic information in any way that would deprive such individuals of employment opportunities or otherwise adversely affect their status as employees.

Prohibits, as an unlawful employment practice, an employer, employment agency, labor organization, or joint labor-management committee from requesting, requiring, or purchasing an employee's genetic information, except for certain purposes, which include where: (1) such information is requested or required to comply with the certification provisions of the Family and Medical Leave Act of 1993 or such requirements under State family and medical leave laws; and (2) the information involved is to be used for genetic monitoring of the biological effects of toxic substances in the workplace.

(Sec. 206) Requires an employer, employment agency, labor organization, or joint labor-management committee that possesses any genetic information about an employee or member to maintain such information in separate files and treat such information as a confidential medical record.

Prohibits an employer, employment agency, labor organization, or joint labor-management committee from disclosing such genetic information, except: (1) to the employee or member upon request; (2) to an occupational or other health researcher; (3) in response to a court order; (4) to a government official investigating compliance with this Act if the information is relevant to the investigation; or (5) in connection with the employee's compliance with the certification provisions of the Family and Medical Leave Act of 1993 or such requirements under State family and medical leave laws.

(Sec. 207) Sets forth provisions regarding enforcement of this Act.

(Sec. 208) Provides that disparate impact on the basis of genetic information does not establish a cause of action under this Act.

Establishes the Genetic Nondiscrimination Study Commission six years after enactment of this Act to review the developing science of genetics and to make recommendations to Congress regarding whether to provide a disparate impact cause of action under this Act. Requires the Commission to submit to Congress a report summarizing its findings and making recommendations for legislation. Authorizes appropriations to the Equal Employment Opportunity Commission (EEOC) to carry out this section.

(Sec. 212) Authorizes appropriations.

Title III: Miscellaneous Provision - (Sec. 301) Provides that if any provision of this Act, an amendment made by this Act, or the application of such provision or amendment to any person or circumstance is held to be unconstitutional, the remainder of this Act shall not be affected.

Actions Timeline

- **Apr 10, 2007:** By Senator Kennedy from Committee on Health, Education, Labor, and Pensions filed written report. Report No. 110-48.
- **Mar 29, 2007:** Committee on Health, Education, Labor, and Pensions. Reported by Senator Kennedy with an amendment in the nature of a substitute. Without written report.
- **Mar 29, 2007:** Placed on Senate Legislative Calendar under General Orders. Calendar No. 97.
- **Jan 31, 2007:** Committee on Health, Education, Labor, and Pensions. Ordered to be reported with an amendment in the nature of a substitute favorably.
- **Jan 22, 2007:** Introduced in Senate
- **Jan 22, 2007:** Sponsor introductory remarks on measure. (CR S845-847)
- **Jan 22, 2007:** Read twice and referred to the Committee on Health, Education, Labor, and Pensions.