

State	Laws	Summary
Arizona	ARS § 1-602 ARS § 12-2801 et. Seq. ARS § 20-1051 et seq ARS § 20-1379 ARS § 20-2301 et seq ARS § 20-448 ARS § 20-448.02 ARS § 41-1463	<ul style="list-style-type: none"> • Parents must consent before a record of a minor’s DNA can be created or distributed. There are some exceptions (Newborn Screening) • Results of genetic testing can only be shared with the tested person/healthcare decision maker unless they give consent. Some exceptions (medical research, cancer registry) • The law places restrictions on disclosure or compelling disclosure • Insurers can’t cancel evidence of coverage (certificate, agreement, contract) based on genetic information • Genetic information cannot be used to deny or limit health insurance coverage, as basis for pre-existing condition, or to exclude coverage based on an absence of diagnosis • Life and disability insurers may not refuse to consider an application based on a genetic condition. Genetic information can’t be used for ratemaking of life or disability insurance unless supported by other factors. • Insurers cannot order or require genetic test without written informed consent. • Employers may not discriminate against an individual based on genetic test results, notwithstanding professionally developed ability tests that are not designed to discriminate because of race, color, religion, sex or national origin.
Colorado	CRS § 10-16-02 CRS § 10-16-102 et seq. CRS § 10-3-1104.6 CRS § 10-3-1104.7 CRS §6-23-101 et seq.	<ul style="list-style-type: none"> • Genetic information is the property of the tested individual • Written consent is required before disclosure of genetic information • Testing results may be used to make payment decisions • Exemptions to law include for research purposes (de-identified)

		<ul style="list-style-type: none"> • Disability or long-term care insurers that receive genetic information cannot seek, use, or keep information for non-therapeutic or underwriting purposes • Insurers cannot perform a genetic test without informed consent • There are penalties for unfair trade practices for group disability and long-term care insurance • Primary health care providers cannot discriminate in the selection of patients on the basis of genetic information • Health care entities cannot retain genetic information or use outside of therapeutic purposes. They also cannot request or require genetic testing
Montana	<p>MCA § 33-18-206 MCA § 33-18-901 et seq MCA §§ 33-22-514 + 33-22-526</p>	<ul style="list-style-type: none"> • Life insurance discrimination is prohibited • An insurer cannot refuse to consider an application for life or disability insurance on the basis of a genetic condition • The rejection of an application or determining of rates, terms, or conditions of a life or disability insurance contract based on genetic information is permissible if medical history, etc suggest that there will be substantial differences in claims because of genetic conditions. • Health insurers cannot discriminate based on genetic information of an individual or family. They cannot seek out information unrelated to assessing or managing one's health. • Health insurance cannot require an individual to obtain a genetic test. This does not apply to life, disability income, or long-term care insurance. • Genetic test results are not a pre-existing condition.
Nevada	<p>§ 615.345 § 629.101 et seq §689A.417 689A.545 689A.585 689B.420 689B.450 689B.550</p>	<ul style="list-style-type: none"> • Employers cannot ask or encourage submission of a genetic test • Genetic tests cannot be used in employment decisions or used to discriminate

	<p>689B.069 689C.076 689C.082 689C.193 689C.198 695B.317 695B.318 695C. 207 695C.057 + 687B.062</p>	<ul style="list-style-type: none"> • Genetic information without informed consent cannot be disseminated, with some exceptions (research with de-identified genetics) • Physicians cannot retain genetic information (with some exceptions) • Genetic information must be destroyed upon completion of study or withdrawal from study • Health Insurers cannot require an insured person to take genetic test or disclose whether or not one has been taken. • Health insurers cannot determine rates, eligibility, or other aspects of coverage or benefits based on genetic information or whether or not an insured person or family member has taken test • Health insurers cannot impose pre-existing condition exclusion based on genetic information in the absence of a diagnosis. This does not apply to long-term care or disability income.
<p>New Mexico</p>	<p>NMS § 24-21-[1-7]</p>	<ul style="list-style-type: none"> • Genetic analysis and sampling of an individual cannot be performed without informed consent • Retention and transmission of genetic information without consent is prohibited • Analysis and sampling can be performed without consent under certain circumstances (criminal investigation, screening for newborns, for research if de-identified etc.) Genetic information obtained under these circumstances can be retained without consent. • Insurers are exempt from the law if they use genetic information for underwriting purposes based on experience or projected experience • Insurers must inform applicants that they are using their information for underwriting purposes

		<ul style="list-style-type: none"> • Genetic predisposition for a disease or carrier status cannot be used as a pre-existing condition by a health insurer to limit benefits, determine premiums, or determine coverage. This information can also not be used against family members • Genetic information cannot be used in employment, recruiting, housing, or lending decisions, or giving public accommodations and services
Texas	<p>TS (Civil Practice and Remedies) Code §74.052 Health and Safety Code §33.0111 et seq. TS (Insurance) Code §546.001 et seq. TS (Insurance) Code §§ 846.01 and 1501.001 et seq. TS (Labor) Code §21.401-405 TS (Labor) Code §301.156 TS (Occupations) Code §58.001 et seq.</p>	<ul style="list-style-type: none"> • Genetic information can be excluded from medical information required to be released in health care liability claim. • Newborn screening information will not be released without consent and is confidential. • If a health insurance group requests an applicant to submit to a genetic test, they must notify the applicant about the proposed use of their information and must obtain written informed consent. • Genetic information or refusal to submit to a genetic test cannot be used by an insurer to reject, deny, limit, cancel, refuse to renew, increase the premiums for, or adversely affect eligibility for insurance • Genetic material obtained must be destroyed after it serves its purposes with some exceptions (retained for research purposes, authorized retention) • Insurance agencies can redisclose genetic information without authorization for actuarial or research studies if the individual cannot be identified and if materials that could identify an individual are returned or destroyed ASAP. • Employers cannot discriminate on the basis of genetic information or refusal to submit to a genetic test, • The law restricts the use of genetic information by a licensing authority

<p>Utah</p>	<p>US § 26-45-101 et seq US § 53A-1-1401 et seq US §§ 31A-1-301 31A-22-620 31A-22-162</p>	<ul style="list-style-type: none"> • An employer cannot use genetic information to discriminate • Genetic information cannot be treated as a pre-existing condition in the absence of a diagnosis • Health insurance agencies may not use genetic information to discriminate • Collection, retention, and disclosure of genetic information is prohibited, with some exceptions (law enforcement, newborn screening, anonymous research). Genetic information must be destroyed upon request.
<p>Wyoming</p>	<p>§ 35-31-101 et seq §§ 26-19-107 + 26-19-306</p>	<ul style="list-style-type: none"> • If genetic information is obtained for purposes exempt from consent it may only be used for those purposes, and destroyed or retained when done. • Genetic information is not a pre-existing condition in absence of diagnosis. • Insurance companies may not deny eligibility, adjust premium, or continue rates based on genetic test information of an individual, family member, or request or refusal for genetic testing

Author

Grace S. Miller

Intern, Texas Health Institute

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Disclaimer

This document has been prepared for the use of healthcare professionals when advising patients and families about genetic testing. This does not constitute a legal opinion. If a legal opinion is required, referral to a qualified attorney is recommended.