



Governor's Advisory Council for Exceptional Citizens (GACEC)
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MEMORANDUM

DATE: February 28, 2019

TO: The Honorable Members of the Delaware General Assembly

FROM: Ann C. Fisher, Chairperson
GACEC

RE: **Senate Bill No. 17 Insurance Discrimination Based on Genetic Information**

The Governor's Advisory Council for Exceptional Citizens (GACEC) has reviewed **Senate Bill No. 17** which prohibits discrimination based on genetic characteristics and information in the issuance or renewal of disability and long term care insurance. It increases the protection provided by the Genetic Information Nondiscrimination Act of 2008 (GINA). GINA protects individuals from genetic discrimination in health insurance (TITLE I) and employment (Title II). This bill also provides a notice requirement if an insurer requires a genetic test. The GACEC **supports** this legislation; however, we would ask that the sponsors consider amending the bill so that it also applies to life insurance.

The same arguments that have been advanced with respect to disability and long term care insurance apply equally to life insurance. If life insurance companies were prohibited from using the genetic test results of applicants, genetically at risk individuals would be more willing to have genetic testing. This could lead to earlier medical treatment, resulting in improved health and increased life expectancy of the affected individuals. Other states, including New Jersey, Maine, and Arizona, prohibit genetic discrimination for life insurance and disability insurance policies without actuarial justification. Massachusetts, Montana, and New Mexico prohibit genetic discrimination for life, disability and long term care insurance policies. Amending the bill to also prohibit genetic discrimination in the issuance or renewal of life insurance policies would give greater protection to all those individuals who want to have or are considering having genetic testing.

Additionally, Council notes that section 2317, item (2) deleted "...includes, but is not limited to..." and replaced it with "...includes..." only in line 11. This seems to narrow the scope of accepted information.

Thank you for your time and consideration of our comments. Please feel free to contact me or Wendy Strauss at the GACEC office should you have any questions.