



H.CON.RES. 340 – TECHNICAL CORRECTIONS TO THE GENETIC INFORMATION NONDISCRIMINATION ACT (GINA, H.R. 493)

FLOOR SITUATION

H.Con.Res. 340 is being considered on the floor under suspension of the rules and will require a two-thirds majority vote for passage. This legislation was introduced by Representative George Miller (D-CA) on May 1, 2008.

H.Con.Res. 340 is expected to be considered on the floor of the House on May 1, 2008.

SUMMARY

Transistion Period: The resolution extends the time the National Association of Insurance Commissioners (NAIC) has to incorporate provisions of H.R. 493 into their standards to October 31, 2008 (the original date was June 30, 2008). It also requires states to conform their regulations and statutes to changes made by H.R. 493 by July 1, 2009 (the original date was July 1, 2009).

Acquisition of Genetic Information: The resolution modifies an exception that allows employers to request, require, or purchase genetic information with respect to an employee or a family member of the employee where the employer conducts DNA analyses for law enforcement purposes as a forensic laboratory to include the ability for employers to acquire genetic information for the purpose of human remains identification.

BACKGROUND

There is a concern that genetic information could be used by health insurers and employers to discriminate against those who are known to –or have the potential to- carry genes that increase their likelihood for developing cancer or other chronic diseases. This may cause individuals who have the hereditary potential of inheriting a disease to refrain from genetic testing, in order to keep their insurance; which could lead to even higher health costs, and deaths in the future due to genetic illnesses that could have been easily treated. Further, genetic discrimination could lead to a decrease in innovation and research due to a lack of participation.

The House passed H.R. 493 on April 25, 2007, by a vote of 420 to 3. The bill was then sent to the Senate where Senator Tom Coburn (R-OK) placed a hold on the bill because of concerns regarding provisions in the bill that could open employers to lawsuits under both insurance and employment laws. Upon reaching a compromise with Senate sponsors of the bill, Senator Coburn removed his hold and the bill passed 95 to 0 on April 24, 2008.

The House is expected to consider the Senate Amendment to H.R. 493 on May 1, 2008.

STAFF CONTACT

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