Chapter 394

AN ACT concerning

**(House Bill 1007)**

**Disability and Life Insurance – Medical Information (Genetic Testing Protection Act)**

FOR the purpose of prohibiting insurance carriers that offer life insurance, unfairly discriminating against an individual by taking certain actions relating to coverage based on medical information; prohibiting certain carriers from accessing sensitive medical information without first obtaining written consent or mandating certain genetic testing or full genome sequencing for a certain purpose; and generally relating to life and disability insurance.

BY adding to

Article – Insurance Section 27–909.1

Annotated Code of Maryland

(2017 Replacement Volume and 2024 Supplement)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,

That the Laws of Maryland read as follows:

**Article – Insurance**

27–909.1.

(a)​ (1) In this section the following words have the meanings indicated

* 1. **“Genetic test” means an analysis of human DNA, RNA, chromosomes, proteins, or metabolites that detects genotypes, mutations, or chromosomal changes.**
  2. **“Insurance carrier” means a company authorized to sell insurance policies in the State.**

(b)​ (1) This section applies only to life insurance, and disability insurance policies or contracts.

* 1. **This section does not prohibit an insurance carrier that offers, issues, or delivers a life insurance, or disability insurance policy or contract in the State from**

1. **ACCESSING AN APPLICANT’S MEDICAL RECORD AS PART OF THE APPLICATION PROCESS; OR**
2. **CONSIDERING A MEDICAL DIAGNOSIS INCLUDED IN AN INDIVIDUAL’S MEDICAL RECORD, EVEN IF THE DIAGNOSIS WAS BASED ON THE RESULTS OF A GENETIC TEST.**

(c)​ (1) Except as provided in paragraph (2) of this subsection and subject to paragraph (3) of this subsection, an insurance carrier that offers, issues, or delivers a life insurance, or disability insurance policy or contract in the State may not: unfairly discriminate against an individual by conditioning insurance rates, the provision or renewal of insurance coverage, or other conditions of insurance based on medical

**INFORMATION, INCLUDING THE RESULTS OF A GENETIC TEST FOR WHICH THERE IS NOT A RELATIONSHIP BETWEEN THE MEDICAL INFORMATION AND THE COST OF THE INSURANCE RISK THAT THE INSURER WOULD ASSUME BY INSURING THE APPLICANT.**

* 1. **In demonstrating the relationship described in paragraph (1) of this subsection, the insurer may rely on actuarially sound principles or actual or reasonably anticipated experience.**
  2. **An insurance carrier that offers, issues, or delivers a life insurance or disability insurance policy or contract in the State may not:**

1. **ACCESS SENSITIVE MEDICAL INFORMATION, INCLUDING THE GENETIC DATA OF AN INDIVIDUAL, WITHOUT FIRST OBTAINING THE INDIVIDUAL’S SIGNED, WRITTEN CONSENT; OR**
2. **MANDATE EXISTING OR NEW GENETIC TESTING OR FULL GENOME SEQUENCING AS A PREREQUISITE FOR LIFE INSURANCE OR DISABILITY INSURANCE ELIGIBILITY OR COVERAGE.**

(4) The insurance carrier, applicant, or policy or contract holder may not waive the provisions of paragraph (3)(ii) of this subsection under any circumstances.

(d)​ The Commissioner may issue an order under §§ 4–113 and 4–114 of this article or §§ 27–501 and 27–505 of this title if the Commissioner finds a violation of this section.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2025.

**Approved by the Governor, May 6, 2025.**