

Genetic Information Nondiscrimination Act and Connecticut Protections

The [Genetic Information Nondiscrimination Act of 2008](#), also referred to as GINA, is a new Federal law that prohibits discrimination in health insurance coverage and employment based on genetic information. The President signed the act into law on May 21, 2008. The section of the law relating to health coverage takes effect between May 22, 2009 and May 21, 2010. The sections relating to employment take effect on November 21, 2009.

Connecticut also has laws that protect against discrimination in health insurance and employment situations. All entities that are subject to GINA must, at a minimum, comply with all applicable GINA requirements, and may also need to comply with Connecticut laws, if they are more protective. Connecticut laws do not apply to self-insured employer-sponsored health benefit plans governed by ERISA, but GINA does apply to these entities.

Table 1 compares the definitions of several phrases used in the laws, and Table 2 shows a comparative summary of GINA and Connecticut laws pertaining to the use of genetic information in health insurance and employment situations. An “X” indicates that the protection is covered. Neither GINA nor Connecticut includes protection from genetic discrimination in life insurance, disability insurance, or long-term care insurance.

Table 1.

Definitions	GINA	Connecticut	Comments
Genetic Test	An analysis of human DNA, RNA, chromosomes, proteins, or metabolites that detects genotypes, mutations, or chromosomal changes	See Genetic Information	GINA excludes analysis of proteins or metabolites that do not detect genotypes, mutations, or chromosomal changes. GINA excludes analysis of proteins or metabolites that are directly related to a manifested disease that could reasonably be detected by a health care professional.
Genetic Information	Information about: (i) An individual’s genetic tests (ii) The genetic tests of family members of an individual (up to and including fourth-degree relatives) (iii) The manifestation of a disease or disorder in family members of an individual (iv) Any request for, or receipt of, genetic services, or participation in clinical research which includes genetic services by an individual or any family member of an individual	Information about genes, gene products or inherited characteristics that may derive from an individual or family member	GINA is much more specific than CT. GINA protects against misuse of family health history. CT does not define family member.
Genetic Services	Refers to a genetic test, genetic counseling, or genetic education		

Table 2.

Health Insurance (Group and Individual)	GINA	Connecticut 38a-816 38a-476	Comments
Prohibits use of genetic information in determining an individual's eligibility	X	X	Neither GINA nor CT prohibits insurers from refusing to insure an individual based on the manifestation of a disease or disorder
Prohibits use of genetic information in setting premiums	X	X	Neither GINA nor CT prohibits insurers from determining premium rates for an individual based on the manifestation of a disease or disorder
Prohibits insurers from requesting or requiring an individual or a family member to undergo genetic testing as a condition of enrollment	X		GINA adds this protection
Prohibits disclosure of genetic information without informed consent			Not addressed by GINA or CT. HIPAA privacy protections apply to genetic information.
Requires insurers to pay for care that a genetic test indicates may be beneficial, e.g., more frequent mammography for a person who tests positive for a mutation in the breast cancer gene <i>BRCA</i>			Not addressed by GINA or CT
Employment	GINA	Connecticut 46a-60	Comments
Prohibits use of genetic information in hiring, firing, job assignments, compensation, and promotions	X	X	GINA applies to employers with 15 or more employees. CT applies to employers with 3 or more employees.
Prohibits employers from requesting, requiring, or purchasing genetic information about an employee or family member	X	X	Exceptions under GINA include where (1) genetic information is required to comply with administration of federal/state Family and Medical Leave laws and (2) the information is to be used for genetic monitoring of the biological effects of toxic substances in the workplace
Life, Disability and Long Term Care Insurance	GINA	Connecticut	Comments
Prohibits use of genetic information in underwriting policies			GINA only applies to discrimination in health insurance and employment. CT does not prohibit use of genetic information in life, disability, or long-term care insurance.