

**R038-0405**

10     **A RESOLUTION CONCERNING SUPPORT FOR THE GENETIC INFORMATION**  
20     **NONDISCRIMINATION ACT OF 2005**

30     **WHEREAS:**     The Human Genome Project was successfully completed in 2003, and the results  
40                     of this project allow researchers to link individual genetic mutations to different  
50                     forms of cancer and disease; and,

60     **WHEREAS:**     Individuals can now have their genetic material tested to see if they have the  
70                     mutation for certain diseases; and,

80     **WHEREAS:**     In some cases, like breast cancer, a positive test result means an increased  
90                     chance of developing the disease while in other instances if the individual tests  
100                    positive for a mutation they will definitely develop the disease; and,

110    **WHEREAS:**     There are instances where individuals were discriminated against by employers  
120                     or insurers because of their genetic predisposition to an illness; and,

130    **WHEREAS:**     Research by the Genetics and Public Policy Center reports that 92% of  
140                     Americans do not think employers have a right to know the results of genetic  
150                     tests and 80% opposed health insurers having access to genetic information; and,

160    **WHEREAS:**     According to Dr. Collins, the Director of the National Human Genome Research  
170                     Institute (a part of the National Institute of Health), 33% of the women involved  
180                     in a study for breast and ovarian cancer chose not to participate because of their  
190                     concern about genetic discrimination; and,

200    **WHEREAS:**     According to Dr. Collins' testimony before the Senate Health, Education, Labor,  
210                     and Pensions (HELP) Committee, individuals in a colon cancer study were more  
220                     concerned about losing insurance (39%) than the effect the results would have  
230                     on family members (28%) or handling the information emotionally (10%); and,

240    **WHEREAS:**     Other studies and reports confirm the point of Dr. Collins' testimony that  
250                     Americans are choosing not to have genetic tests because of fears of  
260                     discrimination by employers and/or insurers; and,

270    **WHEREAS:**     According to Dr. Collins, "genetic testing will become increasingly important  
280                     for assessing individual risk of disease and prompting programs of prevention;"  
290                     and,

300    **WHEREAS:**     Action should be taken so that Americans can have genetic tests and use their  
310                     results to provide the best medical treatment possible without fear of losing their  
320                     job or their insurance; and,

330    **WHEREAS:**     Genetic nondiscrimination legislation has been introduced in the House of  
340                     Representatives by Congresswoman Louise Slaughter (D-NY) since 1995 and in  
350                     the Senate by Senator Olympia Snowe (R-ME) since 1996; and,

360    **WHEREAS:**     There have been numerous hearings on the topic of genetic discrimination and  
370                     the House bills have over 200 bipartisan co-sponsors; and,

380    **WHEREAS:**     In 2004 compromise legislation was worked out in the Senate Health Education  
390                     Labor, and Pensions (HELP) Committee that had the support of Senate Majority  
400                     Leader Bill Frist (R-TN), HELP Committee chair Judd Gregg (R-NH), then

410 Senate Minority Leader Tom Daschle (D-SD), and ranking HELP minority  
420 member Edward Kennedy (MA); and,

430 **WHEREAS:** In 2005, compromise legislation was again worked out by the principle parties  
440 in the Senate; and,

450 **WHEREAS:** S. 306 the Genetic Nondiscrimination Act of 2005 prohibits a health insurer  
460 from (1) using or disclosing genetic information for purposes of underwriting,  
470 determining enrollment eligibility, rating premiums, or adjusting premiums; or  
480 (2) requesting, requiring, or purchasing genetic information for such purposes;  
490 or (3) requesting or requiring an individual to undergo a genetic test; and,

500 **WHEREAS:** S. 306 prohibits, as an unlawful employment practice, an employer from  
510 discriminating against an employee on the basis of genetic information by (1)  
520 failing to hire the employee; or (2) firing the employee; or (3) or discriminating  
530 against the employee with regards to compensation, terms, conditions, or  
540 privileges of employment; and,

550 **WHEREAS:** According to Senator Enzi (R- WY), the chair of the HELP Committee, S. 306  
560 “will allay concerns about the potential for discrimination, and it will encourage  
570 individuals to participate in genetic research and to take advantage of genetic  
580 testing, new technologies, and new therapies”; and,

590 **WHEREAS:** S. 306 establishes a clear standard of conduct for employers and insurers  
600 that will not lead to frivolous litigation, resolves inconsistencies in federal and  
610 state law, and ensures legally uniform protection; and,

620 **WHEREAS:** In 2004 S. 1053 the Genetic Information Nondiscrimination Act of 2003 passed  
630 in the Senate 95-0 and in 2005 S. 306 passed in the Senate 98-0.

640 **WHEREAS:** President Bush supports genetic nondiscrimination legislation, saying, “Genetic  
650 information is unfair to workers and their families. It is unjustified. To deny  
660 employment or insurance to a healthy person based only on a predisposition  
670 violates our country’s beliefs in equal treatment and individual merit;” and,

680 **WHEREAS:** Genetic Nondiscrimination legislation has support from the National Human  
690 Genome Research Institute, the Department of Labor, the Department of Health  
700 and Human Services, the Equal Employment Opportunity Commission, the  
710 Department of Justice, the Secretary’s Advisory Committee on Genetic Testing,  
720 and former President Bill Clinton; and,

730 **WHEREAS:** The House of Representatives failed to act on the Genetic Information  
740 Nondiscrimination Act of 2003 when it was passed by the Senate and it has  
750 failed to act in the 109<sup>th</sup> Congress when the Senate passed the Genetic  
760 Information Nondiscrimination Act of 2005.

770 **THEREFORE BE IT RESOLVED:** That the Maryland Student Legislature commends the  
780 United States Senate for reaching a bipartisan compromise agreement and  
790 unanimously passing genetic nondiscrimination legislation; and,

800 **BE IT FURTHER RESOLVED:** That the Maryland Student Legislature urges the House of  
810 Representatives to act upon and pass the S. 306 the Genetic Information  
820 Nondiscrimination Act of 2005; and,

830 **BE IT FURTHER RESOLVED:** That the Maryland Student Legislature urges President George  
840 W. Bush take appropriate action to encourage the House of Representatives to  
850 pass the Genetic Information Nondiscrimination Act of 2005 and to sign the  
860 aforementioned legislation.

870 **MANDATES:** President George W. Bush  
880 Speaker Dennis Hastert  
890 House Majority Leader Tom Delay  
900 House Minority Leader Nancy Pelosi  
910 Rep. John A. Boehner, Chairman of the House Committee on Education and the  
920 Workforce  
930 Rep. Louise Slaughter  
940 Sen. Olympia Snowe

**SPONSOR:**

Kevin Rodkey, University of Maryland, College Park

**COSPONSORS:**

Dan Holler, Tory Caucus Leader, Washington College  
Craig Reynolds, VDCP of AACC  
Holly Brownley, Co-DCP of St. Mary's College  
Matthew Penick, University of Maryland, Baltimore County