AMENDMENT TO COMMITTEE PRINT

OFFERED BY

Page 19, line 18, strike “RULE OF CONSTRUCTION” and insert “CERTAIN RULES OF CONSTRUCTION”.

Page 20, after line 12, insert the following paragraph:

“(3) RULE OF CONSTRUCTION REGARDING PAYMENT.—

“(A) IN GENERAL.—Subject to subparagraph (B), nothing in paragraph (1) shall be construed to preclude a group health plan, or a health insurance issuer offering health insurance coverage in connection with a group health plan, from conditioning payment on obtaining the results of a genetic test or informing members of such policies. For purpose of the preceding sentence, the term ‘payment’ includes reimbursement, billing, claims management, claims adjudication, review of health care services with respect to medical necessity, coverage under a health plan, appropriateness of care, or justification of charges, and utilization review.
(including precertification, prior authorization, concurrent and retrospective review).

“(B) LIMITATION.—For purposes of subparagraph (A), a group health plan, or a health insurance issuer offering health insurance coverage in connection with a group health plan, may request only the minimum amount of information necessary to accomplish the intended purpose.”.

Page 21, line 6, insert before the period the following: “or section 2701 or 2702(b)(1) with respect to genetic information”.

Page 20, after line 16, insert the following:

(e) GENETIC INFORMATION OF A FETUS OR EMBRYO.—Any reference in this section to genetic information concerning an individual or family member of an individual shall—

(1) with respect to such an individual or family member of an individual who is a pregnant woman, include genetic information of any fetus carried by such pregnant woman; and

(2) with respect to an individual or family member utilizing an assisted reproductive tech-
ology, include genetic information of any embryo legally held by the individual or family member.

Page 24, strike line 19 and all that follows through page 25, line 3, and insert the following:

(15) **Family Member.**—The term "family member" means, with respect to any individual—

(A) a dependent (as such term is used for purposes of section 2701(f)(2)) of such individual; and

(B) any other individual who is a first-degree, second-degree, third-degree, or fourth-degree relative of such individual or of an individual described in subparagraph (A).

Page 27, line 25, strike "genetic information," and insert the following: "genetic information (including information about a request for or receipt of genetic services by an individual or family member of such individual),".

Page 29, after line 3, insert the following:

(e) **Genetic Information of a Fetus or Embryo.**—Any reference in this section to genetic information concerning an individual or family member of an individual shall—
(1) with respect to such an individual or family
member of an individual who is a pregnant woman,
include genetic information of any fetus carried by
such pregnant woman; and

(2) with respect to an individual or family
member utilizing an assisted reproductive tech-
nology, include genetic information of any embryo le-
gally held by the individual or family member.

Page 28, line 10, strike “RULE OF CONSTRUC-
tion” and insert “CERTAIN RULES OF CONSTRUCTION”.

Page 29, after line 6, insert the following paragraph:

“(3) RULE OF CONSTRUCTION REGARDING PAY-
MENT.—

“(A) IN GENERAL.—Subject to subpara-
graph (B), nothing in paragraph (1) shall be
construed to preclude a health insurance issuer
offering health insurance coverage in the indi-
vidual market from conditioning payment on
obtaining the results of a genetic test or in-
forming members of such policies. For purpose
of the preceding sentence, the term ‘payment’
includes reimbursement, billing, claims manage-
ment, claims adjudication, review of health care
services with respect to medical necessity, cov-
erage under a health plan, appropriateness of
care, or justification of charges, and utilization
review (including precertification, prior author-
ization, concurrent and retrospective review).

“(B) LIMITATION.—For purposes of sub-
paragraph (A), a health insurance issuer offer-
ing health insurance coverage in the individual
market may request only the minimum amount
of information necessary to accomplish the in-
tended purpose.”

Page 56, after line 22, insert the following section
(and redesignate subsequent sections accordingly):

11 SEC. 106. RELATIONSHIP TO TITLE II WITH RESPECT TO
ENFORCEMENT.

With respect to the relationship between title II and
this title (and the amendments made by this title):

(1) The genetic nondiscrimination requirements
and remedies of this title (and such amendments)
are exclusive for—

(A) group health plans;

(B) health or other insurance coverage
issued in connection with group health plans;

(C) individual health insurance coverage;

and

(D) and medicare supplemental policies.
(2) Nothing in title II shall be construed to establish a requirement or remedy under such title with respect to group health plans, health or other insurance coverage issued in connection with group health plans, individual health insurance coverage, or medicare supplemental policies, notwithstanding any provision of such title.

Page 80, after line 24, insert the following:

(c) RELATIONSHIP TO HIPAA REGULATION.—

(1) IN GENERAL.—In the case of an entity that is subject to the regulations promulgated by the Secretary of Health and Human Services under part C of title XI of the Social Security Act (42 U.S.C. 1320d et seq.) and section 264 of the Health Insurance Portability and Accountability Act of 1996 (42 U.S.C. 1320d–2 note), the entity is not subject to the provisions of this title that regulate the use and disclosure of information to which such regulation applies.

(2) RULE OF CONSTRUCTION.—Nothing in paragraph (1) shall affect the application of protections under this title against discrimination in hiring, firing, promotion, or job placement and other unlawful employment practices that do not relate to
the matters to which the regulations referred to in paragraph (1) apply.

Page 25, line 5, strike “Except as provided in sub-
paragraph (B), the” and insert “The”.

Page 25, after line 13, insert the following (and re-
designate the succeeding subparagraph accordingly):

“(B) Inclusion of genetic services
and participation in genetic research.—
Such term includes, with respect to any indi-
vidual, any request for genetic services, receipt
of genetic services, or participation in any clin-
ical research, or any other program, which in-
cludes genetic services, by such individual or
any family member of such individual.

Page 25, after line 13, insert the following (and re-
designate the succeeding subparagraph accordingly):

“(B) Inclusion of genetic services
and participation in genetic research.—
Such term includes, with respect to any indi-
vidual, any request for genetic services, receipt
of genetic services, or participation in any clin-
ical research, or any other program, which in-
cludes genetic services, by such individual or
any family member of such individual.