

**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 para-  
graph:

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

3           “(A) IN GENERAL.—Subject to subpara-  
4           graph (B), nothing in paragraph (1) shall be  
5           construed to preclude a group health plan, or a  
6           health insurance issuer offering health insur-  
7           ance coverage in connection with a group health  
8           plan, from conditioning payment on obtaining  
9           the results of a genetic test or informing mem-  
10          bers of such policies. For purpose of the pre-  
11          ceding sentence, the term ‘payment’ includes re-  
12          imbursement, billing, claims management,  
13          claims adjudication, review of health care serv-  
14          ices with respect to medical necessity, coverage  
15          under a health plan, appropriateness of care, or  
16          justification of charges, and utilization review

1 (including precertification, prior authorization,  
2 concurrent and retrospective review).

3 “(B) LIMITATION.—For purposes of sub-  
4 paragraph (A), a group health plan, or a health  
5 insurance issuer offering health insurance cov-  
6 erage in connection with a group health plan,  
7 may request only the minimum amount of in-  
8 formation necessary to accomplish the intended  
9 purpose.”.

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

Page 20, after line 16, insert the following:

10 (e) GENETIC INFORMATION OF A FETUS OR EM-  
11 BRYO.—Any reference in this section to genetic informa-  
12 tion concerning an individual or family member of an indi-  
13 vidual shall—

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

18 (2) with respect to an individual or family  
19 member utilizing an assisted reproductive tech-

1 nology, include genetic information of any embryo le-  
2 gally 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:

3 (15) FAMILY MEMBER.—The term “family  
4 member” means, with respect to any individual—

5 (A) a dependent (as such term is used for  
6 purposes of section 2701(f)(2)) of such indi-  
7 vidual; and

8 (B) any other individual who is a first-de-  
9 gree, second-degree, third-degree, or fourth-de-  
10 gree relative of such individual or of an indi-  
11 vidual described in subparagraph (A).

Page 27, line 25, strike “genetic information,” and  
insert the following: “genetic information (including in-  
formation about a request for or receipt of genetic serv-  
ices by an individual or family member of such indi-  
vidual),”.

Page 29, after line 3, insert the following:

12 (e) GENETIC INFORMATION OF A FETUS OR EM-  
13 BRYO.—Any reference in this section to genetic informa-  
14 tion concerning an individual or family member of an indi-  
15 vidual shall—

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

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

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

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

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

11           “(A) IN GENERAL.—Subject to subpara-  
12 graph (B), nothing in paragraph (1) shall be  
13 construed to preclude a health insurance issuer  
14 offering health insurance coverage in the indi-  
15 vidual market from conditioning payment on  
16 obtaining the results of a genetic test or in-  
17 forming members of such policies. For purpose  
18 of the preceding sentence, the term ‘payment’  
19 includes reimbursement, billing, claims manage-  
20 ment, claims adjudication, review of health care  
21 services with respect to medical necessity, cov-

1 erage under a health plan, appropriateness of  
2 care, or justification of charges, and utilization  
3 review (including precertification, prior author-  
4 ization, concurrent and retrospective review).

5 “(B) LIMITATION.—For purposes of sub-  
6 paragraph (A), a health insurance issuer offer-  
7 ing health insurance coverage in the individual  
8 market may request only the minimum amount  
9 of information necessary to accomplish the in-  
10 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**  
12 **ENFORCEMENT.**

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

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

18 (A) group health plans;

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

21 (C) individual health insurance coverage;

22 and

23 (D) and medicare supplemental policies.

1           (2) Nothing in title II shall be construed to es-  
2           tablish a requirement or remedy under such title  
3           with respect to group health plans, health or other  
4           insurance coverage issued in connection with group  
5           health plans, individual health insurance coverage, or  
6           medicare supplemental policies, notwithstanding any  
7           provision of such title.

Page 80, after line 24, insert the following:

8           (c) RELATIONSHIP TO HIPAA REGULATION.—

9           (1) IN GENERAL.—In the case of an entity that  
10          is subject to the regulations promulgated by the Sec-  
11          retary of Health and Human Services under part C  
12          of title XI of the Social Security Act (42 U.S.C.  
13          1320d et seq.) and section 264 of the Health Insur-  
14          ance Portability and Accountability Act of 1996 (42  
15          U.S.C. 1320d–2 note), the entity is not subject to  
16          the provisions of this title that regulate the use and  
17          disclosure of information to which such regulation  
18          applies.

19          (2) RULE OF CONSTRUCTION.—Nothing in  
20          paragraph (1) shall affect the application of protec-  
21          tions under this title against discrimination in hir-  
22          ing, firing, promotion, or job placement and other  
23          unlawful employment practices that do not relate to

1 the matters to which the regulations referred to in  
2 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):

3 “(B) INCLUSION OF GENETIC SERVICES  
4 AND PARTICIPATION IN GENETIC RESEARCH.—  
5 Such term includes, with respect to any indi-  
6 vidual, any request for genetic services, receipt  
7 of genetic services, or participation in any clin-  
8 ical research, or any other program, which in-  
9 cludes genetic services, by such individual or  
10 any family member of such individual.

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

11 “(B) INCLUSION OF GENETIC SERVICES  
12 AND PARTICIPATION IN GENETIC RESEARCH.—  
13 Such term includes, with respect to any indi-  
14 vidual, any request for genetic services, receipt  
15 of genetic services, or participation in any clin-  
16 ical research, or any other program, which in-  
17 cludes genetic services, by such individual or  
18 any family member of such individual.