

Case 15: Genetic Information Nondiscrimination Act

Newly passed legislation, known as the Genetic Information Nondiscrimination Act (GINA), prohibits health insurance companies from using genetic information to deny benefits or raise premiums for individual policies. Employers who use genetic information to make decisions about hiring, firing or compensation could be fined as much as \$300,000 for each violation.¹

The reason for the Act is in the title: preventing discrimination against individuals who happen to be genetically predisposed to certain diseases; but some argue that this bill prevents employers from serving the public interest. For instance, public safety might be jeopardized if we allow an individual to drive a school bus or conduct a train if they have a latent health condition that poses a direct threat, such as seizures or a heart condition.²

Additionally, we could potentially reduce the overall cost of insurance by excluding individuals with high risk conditions, and help to better allocate risk and cost. Similar to high risk insurance for drivers with high accident levels, insurers would still be required to offer policies to those with high risk genetic markers, but they would pay for the cost of their ultimate care directly, that cost would not be shared by the overall population.³

On the other hand, without anti-discriminatory measures such as GINA, some individuals might avoid the benefits that could be reaped from early detection because they fear the potential repercussions from insurers and employers.⁴

¹ “Genetic Information Nondiscrimination Act,” THOMAS, <http://thomas.loc.gov/cgi-bin/bdquery/z?d110:h.r.00493>.

² Angrist, Misha, and Robert Cook-Deegan, “Stranded DNA Bill Finally Arrives,” *The News & Observer*, May 13, 2008. http://news.duke.edu/2008/05/gina_print.ht.

³ Ibid.

⁴ Ibid.