

FIFTEENTH CONGRESS OF THE REPUBLIC )  
OF THE PHILIPPINES )  
First Regular Session )

SENATE  
OFFICE OF THE SECRETARY

10 JUL 19 10 34

SENATE  
S. No. 1522

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Introduced by Senator Miriam Defensor Santiago

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#### EXPLANATORY NOTE

The Constitution, Article 2, Section 15 provides that:

The State shall protect and promote the right to health of the people and instill health consciousness among them.

The Constitution, Article 13, Section 11 also mandates that: The State shall adopt an integrated and comprehensive approach to the development which shall endeavour to make essential goods, health and social services available to all the people at affordable cost, priority for the needs of the underprivileged sick, elderly, disabled,

The State shall endeavor to provide free medical care to paupers. The health of the people is the wealth of the nation. Health can be maintained by having health insurance available to all. Unfortunately, the accessibility of health insurance is limited by many factors, one of which is the susceptibility of a person to contracting certain kinds of diseases.

Acceptance of a person as an insured by the health insurance provider depends on the fitness of the person, which can be gleaned from his family's medical history. With the advent of new technology for obtaining and interpreting genetic information, applicants with genes that are predisposed to developing into a specific type of ailment are rejected and left to fend for themselves when a medical emergency occurs. The health insurer is reluctant to assume the risk of insuring a person vulnerable to a certain disease.

This bill seeks to prohibit discrimination on the basis of genetic information with respect to health insurance.<sup>1</sup>

*Miriam Defensor Santiago*  
MIRIAM DEFENSOR SANTIAGO

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<sup>1</sup> This bill was originally filed during 14<sup>th</sup> Congress, 1<sup>st</sup> Regular Session.

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1 AN ACT  
2 TO PROHIBIT DISCRIMINATION BECAUSE OF GENETIC INFORMATION  
3 IN HEALTH INSURANCE COVERAGE

*Be it enacted by the Senate and the House of Representatives of the Philippines in Congress assembled:*

4 SECTION 1. *Short Title.* – This Act shall be known as the “Genetic Information  
5 Nondiscrimination in Health Insurance Act.”

6 SECTION 2. *Declaration of Policy.* – It is hereby declared the policy of the State to  
7 protect and promote the right to health of the people and instill health consciousness among  
8 them.

9 SECTION 3. *Purposes.* – It is the purpose of this Act to -

10 (A) define the right of individuals whose genetic information is disclosed;

11 (B) define the circumstances under which an individual’s genetic information may be  
12 disclosed; and

13 (C) protect against discrimination by a health insurer based upon an individual’s  
14 genetic information.

15 SECTION 3. *Health Literacy Implementation Center.* – The Secretary shall establish  
16 within the Department a Health Literacy Implementation Center, to be headed by a Director to be  
17 appointed by the Secretary, to enhance efforts to help eliminate the problem of low health  
18 literacy by improving measurements, research, development, and information dissemination.

19 SECTION 4. *Definitions.* – For the purposes of this Act, the term:

1 (A) "Genetic information" means information about genes, gene products, or inherited  
2 characteristics that may be derived from an individual or a family member (including  
3 information about a request for or receipt of genetic services).

4 (B) "Genetic services" means health services provided to obtain, assess, or interpret  
5 genetic information for diagnostic and therapeutic purposes, and for genetic education and  
6 counselling.

7 (C) "Predictive genetic information"

8 (1) IN GENERAL - means the absence of symptoms, clinical signs, or diagnosis of  
9 the condition related to such information -

10 (a) information about an individual's genetic tests;

11 (b) information about genetic tests of family members of the individual; or

12 (c) information about the occurrence of a disease or disorder in family  
13 members.

14 (2) EXCEPTIONS - The term "predictive genetic information" shall not include:

15 (a) information about the sex or age of the individual;

16 (b) information derived from physical tests, such as the chemical, blood, or  
17 urine analyses of the individual including cholesterol tests; and

18 (c) information about physical exams of the individual.

19 (D) "Genetic test" means the analysis of human DNA, RNA, chromosomes, proteins, and  
20 certain metabolites, including analysis of genotypes, mutations, phenotypes, or karyotypes, for  
21 the purpose of diagnosing a genetic characteristic and predicting risk of disease in asymptomatic  
22 or undiagnosed individuals.

23 (E) "DNA" means deoxyribonucleic acid.

24 (F) "Enrollee" means the person applying for health insurance.

25 (G) "Family members" means with respect to an individual -

26 (1) the spouse of the individual;

27 (2) a dependent child of the individual, including a child who is born to or placed for  
28 adoption with the individual; and

1 (3) all other individuals related by blood to the individual or the spouse or child  
2 described in subparagraph (1) or (2).

3 (H) "Health insurance issuer" means an insurance company or health care service  
4 contractor providing health insurance to regulation under state insurance laws.

5 SECTION 5. *General Prohibition.* – An insurer offering health insurance genetic  
6 information to reject, deny, limit, cancel, refuse to renew, increase the otherwise affect health  
7 insurance.

8 SECTION 6. *Prohibition on Predictive Genetic Information as a Condition of Eligibility.*  
9 – A health insurance issuer offering health insurance coverage in the individual' market or in  
10 connection with a group health plan may not use predictive genetic information as a condition of  
11 eligibility of an individual to enroll in individual health insurance coverage (including  
12 information about a request for or receipt of genetic services).

13 SECTION 7. *Prohibition on Use of Predictive Genetic Information in Setting*  
14 *Premium Rates.* – A health insurance issuer offering health insurance coverage in the  
15 individual market or in connection with a group health plan shall not adjust premium rates for  
16 individuals on the basis of predictive genetic information concerning such an enrollee or a family  
17 member of the employee (including information about a request for or receipt of genetic  
18 services).

19 SECTION 8. *Collection of predictive Genetic Information.* –

20 (A) Limitation on requesting or requiring predictive genetic information. – Except as  
21 provided in paragraph (B), a health insurance issuer offering health insurance coverage in the  
22 individual market or in connection with a group health plan shall not request r require predictive  
23 genetic infomation concerning an individual or a family member of the individual (including  
24 information about a request for or receipt of genetic services).

25 (B) Information needed for diagnosis, treatment, or payment. -

26 (1) IN GENERAL - Notwithstanding paragraph (I), a health insurance issuer offering  
27 health insurance coverage in the individual market or in connection with a group health plan that

1 provides health care items and services to an individual or dependent may request (but may not  
2 require) that such individual or dependent disclose, or authorize the collection or disclosure of,  
3 predictive genetic information for purposes of diagnosis, treatment, or payment relating to the  
4 provision of health care items and services to such individual or dependent.

5 (2) NOTICE OF CONFIDENTIALITY PRACTICES AND DESCRIPTION OF  
6 SAFEGUARDS - As part of a request under subparagraph (1), the health insurance issuer  
7 offering health insurance coverage in the individual or in health plan shall provide to the  
8 individual or dependent a description of the procedures in place to safeguard the confidentiality,  
9 as described in section (9), of such predictive genetic information.

10 SECTION 9. *Confidentiality with Respect to Predictive Genetic Information.* -

11 (A) NOTICE OF CONFIDENTIALITY PRACTICES -

12 (1) PREPARATION OF WRITTEN NOTICE - a health insurance health insurance  
13 issuer offering health insurance coverage in the individual or in connection with a group  
14 health plan shall post or provide, in writing and in a clear and conspicuous manner, notice  
15 of the issuer's confidentiality practices, that shall include -

16 (a) a description of an individual's rights with respect to predictive genetic  
17 information

18 (b) the procedures established by the issuer for the exercise of the individual's  
19 rights; and

20 (c) the right to obtain a copy of the notice o f the confidentiality practices  
21 required under this subsection.

22 (2) MODEL NOTICE - The Secretary of Health, in consultation with the Insurance  
23 Commission, and after notice and opportunity for public comment, shall develop and  
24 disseminate model notices of confidentiality practices. Unsettlement notice shall serve as  
25 a defense against claims of receiving inappropriate notice.

26 (B) ESTABLISHMENT OF SAFEGUARDS - A health insurance issuer offering health  
27 insurance coverage in the individual market and in connection with a group health plan shall  
28 establish and maintain appropriate administrative, technical, and physical safeguards to protect

1 the confidentiality, security, accuracy, and integrity of predictive genetic information created,  
2 received, obtained, maintained, used, transmitted, or disposed of by such issuer.

3 SECTION 10. *Effectivity Date.* – The provisions of this Act shall apply with respect to -

4 (A) group health plans, for plan years beginning after one (1) year after the date of  
5 enactment of this Act; and

6 (B) health insurance coverage offered, sold, issued, renewed, in effect, or operating in the  
7 individual market after one (1) year after the date of enactment of this Act.

8 SECTION 11. *Separability Clause.* – If any provision or part thereof, is held invalid or  
9 unconstitutional, the remainder of the law of the provision not otherwise affected shall remain  
10 valid and subsisting.

11 SECTION 12. *Repealing Clause.* – Any law, presidential decree or issuance, executive  
12 order, letter of instruction, administrative order, rule or regulation contrary to, or inconsistent  
13 with, the provisions of this Act is hereby repealed, modified or amended accordingly.

14 SECTION 13. *Effectivity Clause.* – This Act shall take effect fifteen (15) days after its  
15 publication in at least two (2) newspapers of general circulation.

Approved,