

# Genetics information nondiscrimination act of 2008 essay sample

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The Genetic Information Nondiscrimination Act of 2008, also referred to as GINA, is a new federal law that protects Americans from being treated unfairly because of differences in their DNA that may affect their health. The new law prevents discrimination from health insurers and employers. The President George W. Bush, signed the act into federal law on May 21, 2008. This act had been an issue in congress for 13 years, and by the time this act was enacted in 2008, there was 47 states that had laws against banning genetics discrimination in health insurance, and there was 35 states had laws proscribing genetics discrimination in employment. The parts of the law relating to health insurers will take effect by May 2009, and those relating to employers will take effect by November 2009. The law was needed to help ease concerns about discrimination that might keep some people from getting genetic tests that could benefit their health (Federal-law/GINA, 2008).

The law also enable people to take part in research studies without fear that their DNA information might be used against them in health insurance or the workplace. The law protects people from discrimination by health insurers and employers on the basis of DNA information. The law does not cover life insurance, disability insurance and long-term care insurance. Before the federal law was passed, many states had passed laws against genetic discrimination. The degree of protection from these laws varies widely among the different states. The federal law sets a minimum standard of protection that must be met in all states. It does not weaken the protections provided by any state law.(Federal-law/GINA, 2008)

More and more tests are being developed to find DNA differences that affect our health. called genetic tests, these tests will become a routine part of

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health care in the future. Health care providers will use information about each person's DNA to develop more individualized ways of detecting, treating and preventing disease. But unless this DNA information is protected, it could be used to discriminate against people. Everyone should care about the potential for genetic discrimination. Every person has dozens of DNA differences that could increase or decrease his or her chance of getting a disease such as diabetes, heart disease, cancer or Alzheimer's disease. It's important to remember that these DNA differences don't always mean someone will develop a disease, just that the risk to get the disease may be greater.

In the congressional findings, there was the deciphering the sequence of the human genome and other advances in genetics open major new opportunities for medical progress. New knowledge about the genetic basis of illness will allow for earlier detection of illnesses, often before symptoms have begun. Genetic testing can allow individuals to take steps to reduce the likelihood that they will contract a particular disorder. New knowledge about genetics may allow for the development of better therapies that are more effective against disease or have fewer side effects than current treatments. These advances give rise to the potential misuse of genetic information to discriminate in health insurance and employment(Genetic Information, 110th congress house bill).

The early science of genetics became the basis of State laws that provided for the sterilization of persons having presumed genetic " defects" such as mental retardation, mental disease, epilepsy, blindness, and hearing loss,

among other conditions. The first sterilization law was enacted in the State of Indiana in 1907. By 1981, a majority of States adopted sterilization laws to “correct” apparent genetic traits or tendencies. Many of these State laws have since been repealed, and many have been modified to include essential constitutional requirements of due process and equal protection. (Genetics Information, 110th Congress house-bill)

Although genes are facially neutral markers, many genetic conditions and disorders are associated with particular racial and ethnic groups and gender. Because some genetic traits are most prevalent in particular groups, members of a particular group may be stigmatized or discriminated against as a result of that genetic information. This form of discrimination was evident in the 1970s, which saw the advent of programs to screen and identify carriers of sickle cell anemia, a disease which afflicts African-Americans. Once again, State legislatures began to enact discriminatory laws in the area, and in the early 1970s began mandating genetic screening of all African Americans for sickle cell anemia, leading to discrimination and unnecessary fear. To alleviate some of this stigma, Congress in 1972 passed the National Sickle Cell Anemia Control Act, which withholds Federal funding from States unless sickle cell testing is voluntary.

The other findings was Federal law addressing genetic discrimination in health insurance and employment is incomplete in both the scope and depth of its protections. Moreover, while many States have enacted some type of genetic non-discrimination law, these laws vary widely with respect to their

approach, application, and level of protection. Congress has collected substantial evidence that the American public and the medical community find the existing patchwork of State and Federal laws to be confusing and inadequate to protect them from discrimination. Therefore Federal legislation establishing a national and uniform basic standard is necessary to fully protect the public from discrimination and allay their concerns about the potential for discrimination, thereby allowing individuals to take advantage of genetic testing, technologies, research, and new therapies. The law also enables people to take part in research studies without fear that their DNA information might be used against them in health insurance or the workplace ([www. asenda. com](http://www.asenda.com))

The law protects people from discrimination by health insurers and employers on the basis of DNA information. The law does not cover life insurance, disability insurance and long-term care insurance. Before the federal law was passed, many states had passed laws against genetic discrimination. The degree of protection from these laws varies widely among the different states. The federal law sets a minimum standard of protection that must be met in all states. It does not weaken the protections provided by any state law (Federal Laws/ GINA).

#### References:

Genetic Information Nondiscrimination Act of 2008.

[www. asende. com](http://www.asende.com)

Genetic Information H. R. 493-110th Congress 2007-2008).

[www. congress. gov/110th-congress/house-bill/493](http://www.congress.gov/110th-congress/house-bill/493)

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Federal Law/ GINA of 2008

[www. healthinfoweb. org](http://www.healthinfoweb.org)